(120)

Sectt. II-27—60,004—17-11-48.

HOM (1949) Department.

1

Passed

Ms SERIES.

LETTER [redacted] NO. 4566

Dated 15 11 49

[Despatch Abstract.]

Courts - Civil - South Kanara dt -

Establishment of sub court at

Udipi proposal deferred

H.S.
High Courts remarks
may be invited.

H.M. Finance 8.7.49

1 JUL 1949
HOME DEPARTMENT

BAR ASSOCIATION, UDIPI.

6th July 1949.

To

63181

Hon'ble Sri. B. Gopal Reddy,

Minister for Finance, Government of Madras.

Sir,

We, the members of the Bar Association, Udipi, have great pleasure to accord you a hearty welcome into our midst on the occasion of your visit to Udipi as Finance Minister of our Province after the attainment of Independence by India.

Now that you have been pleased to accept our invitation and are with us in the Association Hall, we avail of this opportunity to place before you our most urgent needs for your kind consideration.

When this Association petitioned on 10-11-1948 to the - - Hon'ble Minister for Courts and Prisons for locating a Sub-Court at Udipi, the Government replied to it stating that as there was no need to continue the Additional Sub-Court in Mangalore the question of - - locating a Sub-Court in Udipi did not arise as there was a permanent Sub-Court in Mangalore. But the Government has since realised the need to continue the Additional Sub-Court for the District and has accordingly ordered continuance of the Additional Sub-Court in - - Mangalore.

At present, therefore, there are two Sub-Courts for the - District both of which are located at the District Head-quarters in Mangalore. The volume of Civil and Criminal work of the District is so great that two Sub-Courts will continue to be an absolute necessity as has been made clear by the facts that an Additional Sub-Court has been functioning for the past several years and the continuance of the same has been again ordered recently.

As both the Sub-Courts are located in Mangalore, the - - - litigant public of the Coondapur Division consisting of the three - - Taluks of Udipi, Coondapur and Karkala, practically forming the - - northern half of the District, are put to great hardships and - - - -

inconveniences in the matter of the conduct of their litigation.

6 The Coondapur Division comprises 323 Villages with an area of about 1,500 sq. miles and a population of about 6 lakhs. The topography of the District is such that to go to Mangalore from the Coondapur Division people have either to cross several rivers or to take a circuitous and more costly route. In the rainy season the intervening rivers are heavily flooded. Partly due to this and partly due to lack of adequate facilities for travel and extreme difficulty to find suitable accommodation etc., in Mangalore it is hard for the litigant public of the Coondapur Division to go to, and remain in, Mangalore for purposes of their litigation.

7 The Civil and Criminal work from the Coondapur Division at present with all the aforesaid handicaps is not inconsiderable. Apart from this, on account of the Aliyasantana Act recently passed and the high - - jurisdictional value in suits for partition as well as in suits for - - - possession of portions of sub-divisions consequent on the increased - - prices of immoveable properties, many suits will go beyond the file of the District Munsiffs and consequently the Sub-Court work will increase - - considerably. Hence, if there is no Sub-Court in the Coondapur Division, the litigant public will be put to incalculable hardship and inconvenience.

8 This Association feels that Udipi is best fitted for the location of a Sub-Court for the Coondapur Division. It is a rapidly growing Municipal Town and is centrally situated. Besides having a District Munsif's Court, a Taluk Office, a Sub-Magistrate's Court, a Special First Class Magistrate's Court, a Sub-Registrar's Office etc., it is the Head-quarters of eight - - Mutts and several Banking and Insurance concerns. It has a Sanskrit - - College, an Arts College, seven High Schools in and around it and two - - Government Training Schools. Further, within a distance of about 3 miles there is the Malpe Harbour which is considered to be the best natural - - harbour on the West Coast and which is likely to be developed into a major Port.

9 While, therefore, a Sub-Court in Mangalore can conveniently serve the southern half of the District consisting of the three Taluks of - - - Mangalore, Puttur and Kasargod, a Sub-Court in Udipi will likewise serve

the northern half of the District consisting of the three taluks of Udipi, Coondapur and Karkala.

Further, with the conditions prevailing as at present, partition suits which are likely to be many for several years to come consequent on the passing of the Aliyasantana Act and suits for possession of portions of sub-divisions which in normal times would be within the jurisdiction of the District Munsiffs' Courts will have to be filed in Sub-Courts. This Association, therefore, urges that as a measure of immediate relief to the litigant public the jurisdiction of the District Munsiffs' Courts may be raised to at least Rs 5,000/-.

This Association, therefore, earnestly requests that in consideration of the urgent needs of the Coondapur Division, the Government may be pleased to raise the jurisdiction of the District Munsiffs' Courts to at least Rs 5,000/- and to order the location of a permanent Sub-Court in Udipi. We appeal to you, as an important member of the Cabinet to champion our cause and do all in your power to obtain for the division the measures of relief we have herein prayed for.

In conclusion, we thank you, Sir, for the honour you have done us by accepting our invitation and giving us this opportunity to meet you and make our representations.

We remain,

Sir,

Yours faithfully.

President and Members,

Bar Association, Udipi.

1893

7 IX

No. 63181 E/49. Home Department

Letter/Reg No. 63181E/49-1 Dated 16.7.49

21/19/7 Do

The Hon'ble The C.J.,
High Court, Madras (with copy & ppl-5 cf)

Hon'ble Sir,

Court - civil - Sikanara Dt - Location of a sub court at Udipi.

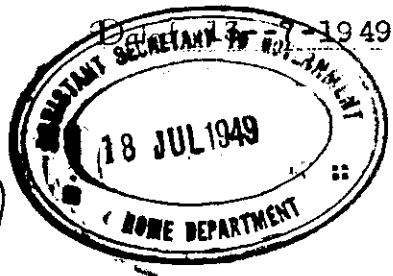
I am directed to forward a copy of memorandum dated 6.7.49 presented to the Hon'ble Minister for Law by the Bar Association, Udipi on the subject cited and to request that the Hon'ble judges may be pleased to offer their remarks on the proposal of the Bar Association to locate a ~~permanent~~ sub Court at Udipi.

Yours faithfully,

Bar Association

UDIPI

Dated 13-7-1949.



From

The President,

Bar Association, Udipi.

To

66515

The Hon'ble the Minister for Courts and Prisons,

Government of Madras.

Sir,

I am enclosing herewith a copy of the Memorial presented to the Minister for Finance, Madras Government on the occasion of his visit to our Association. May I on behalf of the public and on behalf of our own Association request you to take necessary action in the matter.

Yours faithfully,

Hon. Secretary.

Action has already been taken on the ~~Secretary~~ to Hon (Fin) — cp. p? ante. The Hon's reply may be awaited (RD 15.8.49).

BAR ASSOCIATION, UDIPI, 11
6th JUNE 1949.

To

HON'BLE SRI. B. GOPAL REDDY,
MINISTER FOR FINANCE,
GOVERNMENT OF MADRAS.

Copy of Hr 1-5 ante

Sir,

We, the members of the Bar Association, Udipi, have great pleasure to accord you a hearty welcome into our midst on the occasion of your first visit to Udipi as Finance Minister of our Province after the attainment of Independence by India.

Now that you have been pleased to accept our invitation and are with us in the Association Hall we avail of this opportunity to place before you our most urgent needs for your kind consideration?

When this Association petitioned on 10-11-1948 to the Hon'ble Minister for Courts and Prisons for locating a Sub-Court in Udipi, The Government replied to it stating that as there was no need to continue the additional Sub-Court in Mangalore the question of locating a Sub-Court in Udipi did not arise as there was a permanent Sub-Court in Mangalore. But the Government has since realized the need to continue the additional Sub-Court for the district and has accordingly ordered continuance of the additional Sub-Court in Mangalore.

At present, therefore, there are two Sub-Courts for the District both of which are located at the District Head-quarters in Mangalore. The volume of Civil and Criminal work of the district is so great that two Sub-Courts will continue to be an absolute necessity as has been made clear by the facts that an additional Sub-Court has been functioning for the past several years and the continuance of the same has been again ordered recently.

As both the Sub-Courts are located in Mangalore, the litigant public of the Coondapore Division consisting of the

three taluks of Udipi, Coondapore and Karkal, practically forming the northern half of the District are put to great hardships and inconveniences in the matter of the conduct of their litigation.

The Coondapore division comprises 323 villages with an area of about 1500 Sq. miles and a population of about 6 lakhs. The topography of the District is such that to go to Mangalore from the Coondapore Division people have either to cross several rivers or to take a circuitous and more costly route. In the rainy season the intervening rivers are heavily flooded. Partly due to this and partly due to lack of adequate facilities for travel and extreme difficulty to find suitable accommodation etc. in Mangalore it is hard for the litigant public of the Coondapore Division to go to, and remain in, Mangalore for purposes of their litigation.

The Civil and Criminal work from the Coondapore division at present with all the aforesaid handicaps is not inconsiderable. Apart from this, on account of the Alyasanthana Act recently passed and the high jurisdictional value in suits for partition as well as in suits for possession of portions of sub-divisions consequent on the increased prices of immoveable properties, many suits will go beyond the file of the District Munsifs and consequently the Sub-Court work will increase considerably. Hence, if there is no Sub-Court in the Coondapore Division the litigant public will be put to incalculable hardship and inconvenience.

This Association feels that Udipi is best fitted for the location of a Sub-Court for the Coondapore Division. It is a rapidly growing Municipal town and is centrally situated. Besides having a District Munsif's Court, a Taluk Office, a Sub-Magistrate's Court, a Special First Class Magistrate's Court, a Sub-Registrar's Office, etc. it is the Head-quarters of eight Mutts and several Banking and Insurance concerns. It has a Sanskrit College, an Arts College, seven High Schools in and around it and two Government Training Schools. Further

15

within a distance of about 3 miles there is the Malpe harbour which is considered to be the best natural harbour on the west coast and which is likely to be developed into a major port.

While, therefore, a Sub-Court in Mangalore can conveniently serve the southern half of the District consisting of the three taluks of Mangalore, Puttur and Kasargod, a Sub-Court in Udipi will likewise serve the northern half of the District consisting of the three taluks of Udipi, Coondapore and Karkal.

Further, with the conditions prevailing as at present, partition suits which are likely to be many for several years to come consequent on the passing of the Aliyasanthana Act and suits for possession of portions of sub-divisions which in normal times would be within the jurisdiction of the District Munsif's Courts will have to be filed in Sub-Courts. This Association, therefore, urges that as a measure of immediate relief to the litigant public the jurisdiction of the District Munsif's Courts may be raised to at least Rs.5000/-.

This Association, therefore, earnestly requests that in consideration of the urgent needs of the Coondapore Division the Government may be pleased to raise the jurisdiction of the District Munsif's Courts to at least Rs.5000/- and to order the location of a permanent Sub-Court in Udipi. We appeal to you, as an important member of the Cabinet, to champion our cause and do all in your power to obtain for the division the measures of relief we have herein prayed for.

In conclusion we thank you, Sir, for the honour you have done us by accepting our invitation and giving us this opportunity to meet you and make our representations.

We remain,

Sir,

Yours faithfully,

President and Members,

Bar Association, Udipi.

Hon. Secy.

Home

63181

69415 17

Bar Association

UDIPI 26.7.49

Dated 13—7—1949.

From

The President,

Bar Association, Udipi.

H.M. (R&L)

To

The Hon'ble Sri A. B. Shetti,

Minister for Agriculture,

Government of Madras,

MADRAS.

SECRETARY TO GOVERNMENT
28 JUL 1949
HOME DEPARTMENT

Sir,

I am enclosing herewith a copy of the Memorial presented to the Minister for Finance, Madras Government, on the occasion of his visit to our Association. May I on behalf of the public and on behalf of our own Association request you to take necessary action in the matter.

Yours faithfully,

Hon. Secretary.

Home Dept.

The representations below are copies of the original on which action has already been taken & the High Court addressed in the matter. Its reply may be awaited (R.D. 15.8.49)

27.7.49

9

To

[illegible] Same as H.1-5 supra

[illegible],

[illegible]

Sir,

[illegible], the members of the Bar Association, [illegible], have great pleasure to accord you the hearty welcome into our midst on the occasion of your first visit to [illegible] as the Chief Minister of our Province after the attainment of Responsible Govt by India.

You must have been pleased to accept our invitation and are with us in the Association will be avail of this opportunity to place before you our most urgent needs for your kind consideration:

[illegible] this Association petitioned on 10-11-1[illegible] to the Honble Minister for Courts and Prisons for locating a Sub-Court in [illegible], the Government replied to it stating that as there was no need to continue the [illegible] Court in Bangalore the question of locating a Sub-Court in [illegible] did not arise as there was a permanent Sub-Court in Bangalore. But the Government have since realized the need to continue the additional Sub-Court for the District and have accordingly ordered continuance of the additional Sub-Court in Bangalore.

At present, therefore, there are two Civil Courts for the District both of which are located at the District Headquarters in Bangalore. The volume of Civil and Criminal work of the District is so great that two Courts will continue to be an absolute necessity as has been made clear by the facts that the additional Sub-Court has been functioning for the past several years and the continuance of the same has been lately ordered recently.

As both the Sub-Courts are located in Bangalore, the litigant public of the Bangalore City on account of the

[illegible] village of [illegible], [illegible] and [illegible], practically forming the northern wall of the district proper, at the present [illegible] interesting issues in the matter of the enactment of their [illegible].

[illegible] the [illegible] village [illegible] [illegible] district [illegible] [illegible] [illegible]

within a distance of about 3 miles there [illegible] which is considered to be the most central market on the west coast and which is likely to be developed into a major [illegible]

While, therefore, a sub-court in Saloare can conveniently serve the southern half of the district consisting of the three talukas of Kankavli, Vaibhavwadi and Devgad, sub-court in Ratnagiri will likewise serve the northern half of the district consisting of the three talukas of Ratnagiri, Sangameshwar and Rajapur.

Further, with the exception of Kolhapur, [illegible] partition suits which are likely to be heavy for several years to come consequent on the [illegible] of the Hyderabad Act and suits for possession of properties or sub-divisions which in many normal times will be within the jurisdiction of the district Munsif's Courts will have to be filed in sub-courts. This Association, therefore, urges that one of the measures of immediate relief to the litigant public the jurisdiction of the District Munsif's Courts may be raised to at least Rs.5000/-.

This Association, therefore, earnestly requests that in consideration of the urgent needs of the Konkan Government may be pleased to raise the jurisdiction of the District Munsif's Courts to at least Rs.5,000/- or to order the location of a permanent sub-court in Ratnagiri. It is needless to you, as an important member of the Cabinet, to espouse our cause and do all in your power to obtain for the litigation the measures of relief we have hereinabove prayed for.

In conclusion we thank you, Sir, for the honour you have done us by accepting our invitation and giving us this opportunity to meet you and make our representations.

Yours faithfully,

President and Members,

Bar Association, Ratnagiri.

[illegible] Hon. Secy.

6941 25

Bar Association

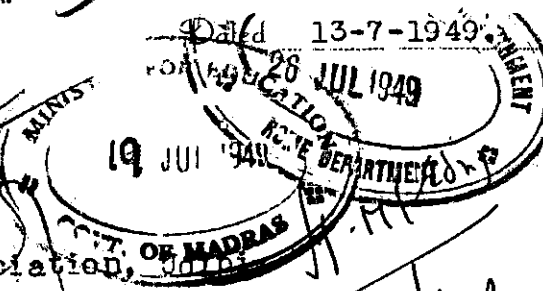
UDIPI

Dated 13-7-1949.

Home

From

The President,
Bar Association, Udipi.



To

The Hon'ble Sri H. Seetharama Reddy,
Minister for Revenue,
Government of Madras,
M a d r a s.

Sir,

I am enclosing herewith a copy of the Memorial presented to the Minister for Finance, Madras Government, on the occasion of his visit to our Association. May I on behalf of the public and on behalf of our own Association request you to take necessary action in the matter.

Yours faithfully,

B. Lakshmi Amma Hegde

Hon. Secretary.

Same as 41-5 ante 27

BAR ASSOCIATION, UDIPI.

6th July 1949.

To

Hon'ble Sri. B. Gopal Reddy,

Minister for Finance, Government of Madras.

Sir,

We, the Members of the Bar Association, Udipi, have great pleasure to accord you a hearty welcome into our midst on the occasion of your visit to Udipi as Finance Minister of our Province after the attainment of Independence by India.

Now that you have been pleased to accept our invitation and are with us in the Association Hall, we avail of this opportunity to place before you our most urgent needs for your kind consideration.

When this Association petitioned on 10-11-1948 to the - - Hon'ble Minister for Courts and Prisons for locating a Sub-Court at Udipi, the Government replied to it stating that as there was no need to continue the Additional Sub-Court in Mangalore the question of - - locating a Sub-Court in Udipi did not arise as there was a permanent Sub-Court in Mangalore. But the Government has since realised the need to continue the Additional Sub-Court for the District and has accordingly ordered continuance of the Additional Sub-Court in - - Mangalore.

At present, therefore, there are two Sub-Courts for the - District both of which are located at the District Head-quarters in Mangalore. The volume of Civil and Criminal work of the District is so great that two Sub-Courts will continue to be an absolute necessity as has been made clear by the facts that an Additional Sub-Court has been functioning for the past several years and the continuance of the same has been again ordered recently.

As both the Sub-Courts are located in Mangalore, the - - - litigant public of the Coondapur Division consisting of the three - - Taluks of Udipi, Coondapur and Karkala, practically forming the - - northern half of the District, are put to great hardships and - - - -

inconveniences in the matter of the conduct of their litigation.

The Coondapur Division comprises 822 Villages with an area of about 1,500 sq. miles and a population of about 6 lakhs. The topography of the District is such that to go to Mangalore from the Coondapur Division people have either to cross several rivers or to take a circuitous and more costly route. In the rainy season the intervening rivers are usually flooded. Partly due to this and partly due to lack of adequate facilities for travel and extreme difficulty to find suitable accommodation etc., in Mangalore it is hard for the litigant public of the Coondapur Division to go to, and reside in, Mangalore for purposes of their litigation.

The Civil and Criminal work from the Coondapur Division at present with all the aforesaid handicaps is not inconsiderable. Apart from this, on account of the Hindu Women's Act recently passed and the high jurisdictional value in suits for partition as well as in suits for possession of portions or subdivisions consequent on the increased prices of immovable properties, many suits will go beyond the file of the ~~Munsiff's Court~~ and consequently the Sub-Court work will increase considerably. Hence, if there is no Sub-Court in the Coondapur Division, the litigant public will be put to incalculable hardship and inconvenience.

This Association feels that Udipi is best fitted for the location of a Sub-Court for the Coondapur Division. It is a rapidly growing Municipal Town and is centrally situated. Besides having a District Munsif's Court & Taluk Office, a Sub-Magistrate's Court, a Special First Class Magistrate Court, a Sub-Registrar's Office etc., it is the Head-quarters of eight Mutts and several Banking and Insurance concerns. It has a Sanskrit College, an Arts College, seven High Schools in and around it and two Government Training Schools. Further, within a distance of about 3 miles there is the Malpe Harbour which is considered to be the best natural harbour on the West Coast and which is likely to be developed into a major Port.

Vide, therefore, a Sub-Court in Mangalore can conveniently serve the southern half of the District consisting of the three Taluks of Mangalore, Puttur and Kasargod, a Sub-Court in Udipi will likewise serve

the northern half of the District consisting of the three Taluks of Udipi, Coondapur and Karkala.

Further, with the conditions prevailing as at present, partition suits which are likely to be many for several years to come consequent on the passing of the Aliyasantana Act and suits for possession of portions or sub-divisions which in normal times would be within the jurisdiction of the District Munciffs' Courts will have to be filed in Sub-Courts. This Association, therefore, urges that as a measure of immediate relief to the litigant public the jurisdiction of the District Munsiffs' Courts may be raised to at least Rs 5,000/-.

This Association, therefore, earnestly requests that in consideration of the urgent needs of the Coondapur Division, the Government may be pleased to raise the jurisdiction of the District Munsiffs Courts to at least Rs 5,000/- and to order the location of a permanent Sub-Court in Udipi. We appeal to you, as an important member of the Cabinet to champion our cause and do all in your power to obtain for the division the measures of relief we have herein prayed for.

In conclusion, we thank you, Sir, for the honour you have done us by accepting our invitation and giving up this opportunity to meet you and make our representations.

We remain,

Sir,

Yours faithfully.

President and Members,

Bar Association, Udipi.

B. Hirianna Hegde

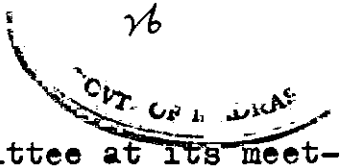
Hon. Secy.

CIRCLE CONGRESS COMMITTEE,

UDIPI.

Ref. No. Date 2-7-1949

To
The Law Minister of Madras
&
The Chief Justice,
Madras.



Sir,

Our Congress Committee at its meeting has passed the following resolution unanimously.

' Resolved that the Chief Justice of Madras and the Govt. of Madras be requested to transfer the additional Sub-Court from Mangalore to Udipi, which will be an ideal centre for the 3 taluks, Udipi Coondapoor & Karkal and thereby giving great facilities to the litigant public of the above 3 Taluks "

Sd. B,Krishnaya Hegde
President.

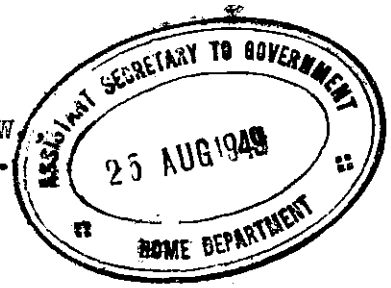
At present there is a lot of inconvenience to the litigants of the 3 taluks mentioned in our resolution, who have to cross many rivers to reach Mangalore and the accomodation in Mangalore which is a big city is very difficult and very costly also. Now that the Aliyasanthanam Bill will come to force there will be more litigations. So the entire litigant public of the 3 Taluks will be greatly benifited, if the additional Sub- Court from Mangalore is transfered ~~from Mangalore~~ to Udipi and made a permanent one. Once again we request the Law Minister and the Chief Justice to consider our resolution sympathetically and order the trnsfer of the Court.

Thanking you fpr favour of an reply.

Yours faithfully
Secretary.

CIRCLE CONGRESS COMMITTEE
UDIPI.

R.O.C.No.5512/49 D-2.



From

K.N.Ganpati Esq., B.A., Bar-at-Law
Registrar, High Court, Madras.

To.

The Secretary to Government,
Home Department, Madras.

Dated 23rd August 1949.

Sir,

Courts - Civil - South Kanara district - location of a Sub Court at Udipi.

Ref: Home Department's letter No.63181 E/49-2 dated (16-8-1949.

A considered reply will be sent as soon as the report called for from the District Judge, South Kanara, is received.

REGISTRAR.

Subd. for ~~approval~~ perusal. (R D. 27 · 9 · 49).

MINISTER FOR EDUCATION
7 SEP 1949
GOVT. OF MADRAS

5nd September 1949

ASSISTANT SECRETARY TO GOVERNMENT
8 SEP 1949
PUBLIC DEPARTMENT

To

The Hon'ble Mr. P. Madhava Menon, B.Al,B.L.
Minister for Law
Fort St. George
M A D R A S

Sir,

I am enclosing a Memorandum prepared by the Mangalore Bar Association with regard to a proposal that appears to have been made that the Additional Sub Court of South Kanara now located in Mangalore should be shifted to Udipi.

2 Our Association learns that a report has been called for from the District Judge and we have made our representation to him.

3 I am to request that you will give our Association to wait on you on deputation to represent our views before any action is taken.

Thanking you,

Yours faithfully,

Honorary Secretary
Bar Association
MANGALORE

MEMORANDUM SUBMITTED BY THE MANGALORE BAR ASSOCIATION

Subject: Establishment of a Sub Court at Udipi

1. An agitation has been going on for some time past by the citizens of Udipi for the establishment of a permanent Sub Court at Udipi. It appears to be sought to be made out that the desire for a shift represents the opinion of the litigant public which is a matter of considerable doubt. On the other hand, a casual examination of the statistics and facts would lead to the inference that the propaganda is carried on by a few persons who have been seeking to secure for Udipi a place of importance. It is submitted that the facts disclosed by available statistics would have to be examined before any step having far reaching consequences of the nature suggested are undertaken. A representation appears to have been made by the Bar Association at Udipi to the Hon'ble the Minister for Finance suggesting certain changes and among others the shifting of one of the Sub Courts in Mangalore to Udipi.

2. We beg to submit that the work in the district does not warrant the establishment of two Sub Courts in the District. Till 1943, there was only one Sub Court. In 1943, due to the temporary accumulation of work in the Sub Court, an additional Sub Court was sanctioned purely as a temporary measure. The life of the additional Sub Court has since been extended from year to year only as a temporary Court and at present the additional Sub Court stands sanctioned till the end of this calendar year. At present the pendency of old appeals has been completely cleared and very often even on the very first date of hearing, appeals are pressed to be taken up for hearing by the Courts, on the ground of lack of appeals

Hon. Secretary

38

-2-

for disposal There are no doubt some pendencies regarding suits. This is however not entirely due to the number of cases filed but due to various other causes, such as the suits having been stayed by the High Court or the suits themselves being very big ones involving service of notices to a very large number of parties. There is, however, every prospect of the pendency being cleared and the file brought to normal before the end of the year.

3. The Mangalore Bar Association, after a consideration of the pendency of suits and appeals, resolved, by its resolution dated 17-7-1949, that the Additional Sub Court may be discontinued and this resolution had been submitted both to the Government and the High Court for their consideration. It is the considered opinion of our Association that there is no justification or necessity for the continuance of the Additional Sub Court at present, even as a temporary measure. Hence, there could hardly be any ground to justify the expense of maintaining an Additional Sub Court as a permanent measure.

4. In the event of an additional Sub Court being established as a permanent Court, the question arises as to where it is to be located. The people in Udipi have been pressing that Coondapoor Division consists of 323 villages having a population of over 6 lakhs of persons and it is very difficult to reach Mangalore due to many unbridged rivers and circuitous routes. The fallacy in this argument is obvious. Coondapoor Division consists of 3 Taluks - Karkal, Udipi and Coondapoor. It would not be right to include Karkal Taluk in support of the argument. Karkal Taluk begins from within 16 miles of Mangalore. The Headquarters of the Karkal Taluk, where the Munsif's Court is located is 33 miles distant

from Mangalore and is connected by a first class road (a Provincial Highway), wherein numerous busses are running every day. While the farthest corner of the Karkal Taluk is not more than 40 miles from Mangalore, it is over 55 miles from Udipi. Both from the point of view of facilities for halts, as Mangalore has many I Class hotels and boarding houses, and the facility of obtaining legal assistance, it is submitted that Karkal people would certainly desire to come to Mangalore for their litigation rather than go to Udipi, which is not less distance and with meagre other facilities. Then again, Mangalore being not only the Headquarters of the District but the centre of all commercial and other activities, the litigant public generally combine their other work with Court work when they come to Mangalore, thus very often saving the double expenses of two journeys. There is the added facility of the fact that Mangalore has the Appellate Court and the prospect of an appeal still looms large in the minds of a litigant. Tacking Karkal to a Court at Udipi would be doing them a disservice rather than affording a convenience. It is but right that the opinion of the Karkal Bar Association would have to be ascertained before so momentous a step is taken.

5. We may now be permitted to show how the work of Udipi and Coondapoor Taluks is absolutely insufficient for engaging a Sub Court. We are giving below the appeals and suits talukvar filed in the four years - 1945 to 1948

Taluk	Appeals				Suits			
	1945	1946	1947	1948	1945	1946	1947	1948
Mangalore	119	87	93	132	35	64	88	72
Puttur	90	49	72	78	33	21	43	27
Kasargod	116	162	143	112	24	54	43	32
Karkal	63	60	59	27	9	17	12	9
Total	388	358	367	349	101	156	186	140

Hon. Secretary

Taluk	1945	1946	1947	1948	1945	1946	1947	1948
	Appeals				Suits			
Udipi	23	35	60	74	6	17	10	27
Coondapoor	80	75	75	33	9	13	10	13
Total	103	110	135	107	15	30	20	40
Grand Total for the year	491	468	502	456	116	186	206	180

Thus it will be seen that the proportion of the appeals from Udipi and Coondapoor taluks to the total filings is 21 per cent to 26 per cent and the proportion of suits is 12%, 16%, 10% and 22%. Even from the point of view of total filings of suits and appeals from Udipi and Coondapoor taluks, in numbers they are not enough to afford work for one Court.

C/

6. Even if Karkal is added on, as the work from Karkal both in suits and appeals is very meagre, as will be seen from the above figures, there will not be enough work for a Sub Court.

7. It has also to be noted that the Subordinate Judge is also an Assistant Sessions Judge. At present work is being shared by the two Subordinate Judges and there is only one Assistant Public Prosecutor. The transfer of the Sub Court to Udipi would mean duplicating of staff for Sessions work on a heavier demand on the principal Sub Judge's time for Sessions work, in case the Udipi Court is to be relieved of Sessions work. This would defeat the very object of the establishment of an additional Sub Court, that of lowering the pendency of civil cases in the Sub Court leading to the prospect of suits from outside Coondapoor Division being transferred to Udipi on administrative grounds - a prospect which will not be appreciated by the litigant public.

8. Thus, if an additional Sub Court is to be permanently established in this district, from every point of view, Mangalore, and Mangalore alone could be the venue of the same.

9. One further point that seems to have been urged by the Udipi Bar for the establishment of an additional Sub Court permanently is the expectation of numerous partition suits being filed under the recently enacted Aliyasanthana Act. Both from the attitude of the community affected by the Act as also from the filings till now after the passing of the Act, we daresay that this expectation of increase in litigation may not be well founded. Further, the establishment of a court in anticipation of increasing litigation would hardly be a ground, much less a justification for establishing a new Court.

10. We understand that an alternative suggestion appears to have been made that the pecuniary jurisdiction of the District Munsif of Udipi should be raised to Rs 5,000. It would have to be seen as to what justification there would be to treat the Udipi Court differently from the other courts in the district. Further, theUdipi Court, for quite a long time had junior District Munsifs with little experience posted to the Court. How far the interests of the litigants would be served by the raising of the pecuniary jurisdiction of the Court is a matter with regard to which our Association has grave misgivings.

The Mangalore Bar Association begs to place the above matters before the authorities with the confidence that a proper decision would be taken in the light of the facts stated herein.

MANGALORE)
5 -9-1949)

for The Mangalore Bar Association

(A 681 SE)

42

Home Dept

The memorandum of the Mangalore Bar Association at Pp 37-41 ante, objecting to the Shifting of the Addl. Sub-Court of Sonka Kanara from Mangalore to Udipi, is subd. for perusal. The subject matter is under correspondence with the High Court, and whose final reply is awaited.

The Bar Association also ~~requests~~ desires to wait on deputation on H.H. (E&L) to represent their views. H.H. (E&L) has seen but not minuted on the petition. It does not therefore seem necessary to circulate the file at this stage to H.H. (E&L) on this point and send a reply to the Bar Association. A copy of the representation on Pp 37-41 ante may be sent to the High Court.

~~final reply in the matter may be awaited R.D. 27.9.49.~~

A draft letter is submitted for approval.

MR
14.9.49

Sd/-

CMD.631818/49

Home Department.

LR./Ref. No. 63181 E/49-3 dated 15-9-49

To

The Hon. the C.J.,
High Court, Madras (with copy of pp.37-41 c.f.)

Hon'ble Sir,

.Courts - Civil - South Kanara district - location of a Sub-Court at Udipi.

Ref: Correspondence resting with Sri Ganpati's letter Roc. No. 5512/49-D2, dated 23.8.49.

I am directed to forward a copy of a memo. dated 5.9.49 received from the Bar Association, Mangalore on the subject cited in continuation of my letter No. 63181 E/49-1, Home, dated 16.7.49.

Yours faithfully,

E

R.O.C.5512/49-D2

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From

Sri V.Krishnaswami, B.A., B.L.,
Second Assistant Registrar, Original Side
and Vacation Officer,
High Court, Madras.

To

The Secretary to Government,
Home Department, Madras(with enclosures 2)

Dated 19th September 1949.

Sir,

Courts - Civil - South Kanara district - Establishment of a Sub Court at Udipi.

Ref:Correspondence resting with your letter No.63181 E/49-2 dated 16-8-49.

Rr dist Cp P7 auth --pp 47-50 inft

I am to forward a copy of the report from the District Judge South Kanara on the subject cited. The Hon'ble the Judges endorse the remarks of the District Judge. The question of establishing a Sub Court at Udipi may be deferred for the present.

V. Krishnaswamy 29.9.49

Second Assistant Registrar,
Original Side and
Vacation Officer.

Copy to:

The District Judge,
South Kanara.

PAG
RS

Copy of letter No.A.381 of 1949 dated 22nd August, 1949 from the District Judge of South Kanara Mangalore to the Registrar, High Court, Madras.

Sub: Courts - Civil - South Kanara district - Establishment of a Sub Court at Udipi etc. - Memorial by President of the Bar Association at Udipi - Remarks on - Submitted.

Ref: High Court Roc.No.5512/49-D2 dated 18-7-1949 forwarding copy of Memorial cited above for remarks and return and R.O.C.No.5512/49-D2 dated 30-7-1949 forwarding copy of communication from the Circle Congress Committee, Udipi.

I have the honour to submit the following remarks on the memorial presented by the Bar Association of Udipi to the Hon'ble the Minister for Finance of the Government of Madras and on the letter of the Secretary, Circle Congress Committee, Udipi to the Law Minister of Madras and the Hon'ble the Chief Justice, High Court of Judicature, Madras relating to the establishment of a Sub-Court at Udipi.

2. The grounds urged by the memorialists for establishing a Sub Court at Udipi may be considered (1) with reference to the volume of work at present contributed by the three northern taluks of Coondapur, Udipi and Karkal forming the northern section of the district, (2) with reference to the probable increase in the volume of litigation in the near future adverted to by the memorialists, and (3) from the view point of the litigants of the three taluks referred to as to their relative conveniences.

3. Sub-joined tabular statements A, B and C would indicate that the three northern taluks of Coondapur, Udipi and Karkal together contribute on an average only less than 1/4 of the total number of original suits instituted in the Sub-Court and a little over 1/3 of the total number of appeals filed from all the District Munsifs' courts in the district together. The volume of work contributed by the three northern taluks taken by itself would hardly justify the location of a separate sub-court at Udipi for those three taluks alone.

4. With regard to the anticipated increase in the volume of original work in the sub-court, it would be premature to say

anything

anything at present. It is true that the northern taluks of Coondapur, Udipi and Karkal are inhabited by a large section of the population affected by the recently passed Aliyasanthana bill, but it will be problematic to what extent the sub-court litigation would be increased on account of the new legislation permitting partition of the Aliyasarthana families. In my humble opinion the wiser course would be to wait for a year and watch how far the volume of sub-court litigation is actually increased by reason of this new legislation before any far-reaching change is decided upon.

5. On the question of the conveniences of the litigant public of the northern-most taluks of Coondapur and Udipi, the memorialists are on much surer grounds. Those taluks are not connected by railway with Mangalore and, though the road traffic by motor buses is fairly well regulated, the journeys are by no means easy owing to the intervention of several unbridged rivers on the way. The northern-most parts of Coondapur taluk by the shortest route lie at a distance of nearly 80 miles from Mangalore. The litigant public of Udipi taluk also will certainly find it more convenient if a sub-court is established at Udipi. With regard to the litigant public of Karkal, a good portion of that taluk may be more or less equi-distant from both Udipi and Mangalore. So it cannot be said with confidence that the litigants of Karkal taluk would stand to gain in any large degree by the location of a sub-court at Udipi. However, as Coondapur and Udipi taluks are certainly to be benefited by the location of a court at Udipi, it should be readily granted that the location of a sub-court at Udipi would be calculated to increase the conveniences of a section of the litigant public, particularly of the northern-most portions of the district.

6. There is at present only one permanent sub-court in Mangalore and the Additional Judge of the sub-court is

appointed

appointed only temporarily for a period of one year at a time.. But judged from the present stage of the institutions in the sub-court it should be reasonably anticipated that an additional Judge would have to function in the sub-court for some years more if the pendency is to be maintained within reasonable limits.

7. Considering all the relevant points, may I respectfully suggest that th question whether or not a sub-court should be established at Udipi as a permanent measure in the place of an additional sub-Judge functioning in the sub-court of Mangalore may be deferred for detailed examination at the end of one year from now so that it may be known in the meantime how far the new Aliyasarthana Act would increase the volume of work in the Sub-Court, particularly from the northern taluks of Coondapur Udipi and Karkal.

8. With regard to the suggestion to raise the pecuniary jurisdiction of the District Munsi s to Rs.5000/-, the question is one of general policy and so it may not be proper to deal with it as a matter of mere local importance.

STATEMENT A.

(2) Original suits filed in the sub-court of south Kanara at Mangalore.

Year of institution..	Names of taluks.							
	Mangalore.	Kasaragod.	Puttur.	Karkal	Udipi.	Coondapur.	Total for Karkal, Udipi & Coondapur.	Grand total.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1945	34	25	34	8	10	4	22	115
1946	64	48	27	19	19	9	47	186
1947	89	44	40	12	10	11	33	206
1948	76	32	26	11	21	14	46	180
1949*	59	22	11	7	16	5	28	120

*Up to 25-7-1949.

Statement B.

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Statement B.

Original Petitions (Including Land Acquisition Cases) filed in the Sub-Court of South Kanara at Mangalore.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1945	33	7	8	8	15	1	24	72
1946	18	17	12	7	1	1	9	56
1947	16	12	11	1	4	-	5	44
1948	24	9	13		44	1	45	91
1949*	12	10	11		2	3	6	39

*up-to 25-7-1949.

STATEMENT C.

Regular appeals preferred against decrees of the several District Munsif's Courts.

1945	119	116	90	63	23	80	166	491
1946	87	162	49	60	35	73	168	466
1947	83	136	65	54	56	72	182	466
1948	100	113	77	27	74	33	134	424
1949*	61	59	45	24	31	15	70	235.

*Up to 25-7-1949.

(true copy)

for Assistant Registrar,
~~Administrative Department~~

PAG
Re

{Cyp.63181 E/49}

Ld/MS.No. 4566 dt 15.11.49 Home dept.

To

51

The Honorary Secretary, Bar Association, Udipi

The Secretary, Circle Congress committee, Udipi

The Honorary Secretary, Bar Association, Mangalore

Sir,

Courts - Civil - South Kanara dt - Establishment of a subcourt at Udipi ... -

Ref: Your memorandum dt 6.7.49 presented to the Hon'ble the Finance Minister

Your letter dt 2.7.49

Your letter dt 5.9.49

I am directed to say that the Govt. agree with the Hon'ble the Judges of the High Court, Madras that the question of establishing a subcourt at Udipi may be deferred for the present.

2. I am to add that the question of enhancing the jurisdiction of Dt. Munsifs is already under the consideration of the Govt.

14.11.49

By Order,

Copy to the Registrar, High Court, Madras, w.r.t. his Roc. No. 5512/49-D2-2 (19.9.49) - D45Cc

Secy. Home

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CY

104953 24.10

These petitions or representations were given to me during my recent tour in South Kanara district. They may be dealt with in the usual course.

By the the ~~postal~~ memoranda ~~[illegible]~~ below may be sent to the H.C. for disposal

KM
22/10

BAR ASSOCIATION, UDIPI,

15th OCTOBER, 1949.

To

HON'BLE SRI. K. MADHAVA MENON,

MINISTER FOR EDUCATION AND LAW,

GOVERNMENT OF MADRAS.

Sir,

We, the members of the Bar Association, Udipi, have great pleasure to accord you a hearty welcome into our midst on the occasion of your visit to Udipi. We thank you for the honour you have done us by accepting our invitation and giving us an opportunity to meet you in the Association hall this afternoon.

Now that you have been pleased to be in our midst, may we take the privilege of placing before you the following representations for your kind consideration.

You are well aware that our District consists of six taluks of Coondapore, Udipi, Karkal, Mangalore, Puttur and Kasargod. The former three constituting the Coondapore Division practically form the northern half, and the latter three form the southern half, of the District. The Coondapore Division comprises 323 villages with an area of about 1,500 sq. miles and a population of about 6 lakhs. The topography of the District is such that to go to Mangalore from the Villages of the Coondapore Division people have either to cross several rivers or take a circuitous and more costly route. In the rainy season most of these rivers are heavily flooded. Even at other times facilities for travel are not adequate.

At present, there are six Munsif's Courts, one at each Taluk Headquarters and two Sub Courts at the District Headquarters in Mangalore. Though one of these Sub Courts is an additional Court and though the Government once thought that there was no need to continue the same, yet the volume of civil and criminal work of the District is such that two Sub Courts will be an absolute necessity as has been made clear

from the fact that an additional Sub Court has been working for the last several years and the continuance of the same has also been recently ordered.

As both the Sub Courts are located in Mangalore, the litigant public of the Coondapore Division are put to great hardships and inconvenience in the matter of the conduct of their litigation for the reasons stated above Instead of continuing both the Sub Courts in Mangalore, one may be retained there for the benefit of the southern taluks of Mangalore, Puttur and Kasargod and the other may be shifted to Udipi to serve the needs of the Coondapore Division. The Association feels that Udipi is the best fitted for the location of a Sub Court for the Coondapore Division. It is the second Municipal Town in the District and is centrally situated. Besides having a Munsif's Court, a Taluk Office, a Sub Magistrate's Court, a Special First Class Magistrate's Court, an Honorary First Class Bench Magistrates' Court and a Sub Registrar's Office, it is the headquarters of eight Mutts and several Banking and Insurance concerns. It has a Sanskrit College, an Arts College, seven High Schools in and around it and two Government Training Schools. Further, within a distance of three miles there is the Malpe harbour which is considered to be the best natural harbour on the west coast and which is likely to be developed into a major port.

As for the sufficiency of work for a Sub Court for Coondapore Division, though the present volume of work may not be considerable due mainly to want of facilities, yet owing to the passing of the Alyasanthana Act, there will be a crop of suits which cannot be filed in Munsif's Courts on account of the high jurisdictional value consequent on the increased prices of immovable properties. Besides, as the Sub Court is the forum for appeals and executions under the Madras Buildings (Lease and Rent Control) Act and applications under the Madras Hindu (Bigamy Prevention and Divorce) Act, there will be a number of such appeals, executions and applications. If further work is found necessary, now

that the declared policy of the Government is to separate the judiciary from the executive, the post of the Joint Magistrate of the Coondapore Division may be abolished and his criminal work may be entrusted to Sub Court along with the present Sessions work. The volume of these civil and criminal works will, we are sure, be more than sufficient. The location of a Sub Court at Udipi will not involve the Government in any additional cost in the matter of the building as the present court house itself may be used for the purpose without much inconvenience. Under these circumstances there will be no justification to judge the present volume of work of the Coondapore Division with that of the southern three taluks of Mangalore, Puttur and Kasargod which have admittedly greater facilities for travel, such as, railways and direct motor communications, and which have none of the disabilities of the former and locate both the Sub Courts in Mangalore on that sole consideration to the prejudice of the litigant public of the Coondapore Division.

Further, with the conditions prevailing as at present, partition suits which are likely to be many for several years to come consequent on the passing of the Alyasanthana Act and suits for possession of portions of sub divisions which in normal times will be within the jurisdiction of Munsif's Courts will have to be filed in Sub Courts. While we, therefore, pray for the location of a Sub Court at Udipi for the benefit of the Coondapore Division, may we urge that as a measure of immediate relief to the litigant public, the pecuniary jurisdiction of Munsif's Courts may be raised at least to Rs.5,000/- and the Court Fees Act and the Suits Valuation Act may be suitably amended in such a manner that the jurisdictional value and the value for purposes of court fees and jurisdiction in all suits relating to immovable properties including suits for partition and for portions of sub divisions may be computed on the basis of 10 times the assessment as in suits for -possession.

The Headquarters of the Revenue Divisional Officer of the Coondapore Division once fixed to be at Coondapore for security

reasons has continued to be there even though such reasons have since ceased to exist. Being in a remote corner of the Division it causes great hardships and inconveniences to the public. We request you to kindly consider thequestion of shifting the same to Udipi which as stated above is centrally situated. Here also it will not involve the Government in any additional cost in the matter of the building as the present excise office building at Udipi may be utilized for the purpose and the Coondapore Office compound and buildings may be disposed of to the advantage of the Government.

According to the present practice only lawyers practising in District Centres are selected for appointments as judicial Officers. May we request the Government to discontinue this practice and give equal chances to lawyers in the muffasils as well. In this connection may we also request the Government to implement as far as possible all the resolutions passed at Lawyers' Conferences as well as those passed at the Provincial Lawyers' Association from time to time.

Lastly, we may be permitted to point out that lawyers as a class lend stability to every established Government and are able to keep up the public morale. It is in the interest of the Government to harness their co-operation. We would, therefore, repectfully suggest that opportunities be afforded to the members of Bar to contact the Government and the members of the Cabinet on tour and offer their views in matters of local welfare and importance.

In conclusion, we thank you, Sir, once again for having responded to our invitation and given us this opportunity to make these representations. We sincerely hope that you will be pleased to favourably consider these representations and take necessary action in the matter.

We remain,

Sir,

Yours faithfully,

President and Members,

Bar Association, Udipi.

To

The Hon'ble Sri K. MADHAVA MENON, B.A.,B.L.
Minister for Law and Education
with the
Government of Madras

Memorandum presented by the Bar Association, Mangalore
on 14th October 1949

Sir,

We extend to you a most cordial and hearty welcome to our Bar Association and take a special pride that a member of our profession is occupying the high position you occupy - one of trust and honour and with potentialities of rendering signal service to the people of the land.

You will permit us to congratulate you and your cabinet for taking the bold step of separation of the executive from the judiciary and we have every hope that the experiment will not merely be successful but will be extended to other parts of the Province. It is hardly necessary to emphasise that the judiciary is the bulwark of the rights and liberties of the citizen and it should not be permitted to be influenced by considerations other than of pure justice.

There are a few other questions which require urgent attention, such as the anomalies in the Court Fees Act which baffle any rational justification. To mention only one instance is where a litigant is required to pay a higher court fee when he claims a portion of a survey field than he would have to, if he claimed the whole survey field. Besides, the cost of litigation has risen to a pitch, where the common man is in despair when he contemplates the vindication of his legal rights.

Coming to our own profession, it has become quite obvious in recent times that the institution of some variety of provision by way of a Provident Fund or an old age Insurance for members of the profession, is imperative. The very high standard of living that the status of the members of the profession require him to maintain leaves little scope for laying by anything by way of provision for a lean day or the evening of life, so that the economic condition of members who ought to retire and take rest after years of hard and strenuous labour is not enviable. Attempts so far made in the direction have made very little headway and only practical method of tackling the problem would be by the State intervening by legislation. The unification of the Bar is yet one other subject calling for immediate attention.

We have no doubt that with your experience at the Bar these and other problems facing the profession and the litigant public will receive the sympathetic consideration at the hands of yourself and your cabinet.

There is one other subject which has been agitating the minds of the members of the profession in Mangalore and that is the suggestion ~~animating~~ emanating from the Bar Association at Udipi for the transfer of the Additional Sub Court to Udipi. Our Association has addressed you and your Government and also the High Court placing its views. We do not propose to reiterate our views in detail over again on this occasion, but have enclosed a copy of the representation for ready reference. In reply to our letter, we have been told that the question is not just now engaging the attention of the authorities. We would, however, take the liberty on this occasion to express the hope that a step of

the nature would not be taken without due consideration of the interests and the convenience of the litigant public and also the opinion of this Association which would be seriously affected by the transfer.

Permit us, Sir, to thank you for coming to our Bar-Association and accepting our hospitality in the midst of your multifarious engagements.

Yours faithfully,

President

Bar Association of Mangalore.

14.10.49

Copy of Ff 37-41 of 67 (4) 67

MEMORANDUM SUBMITTED BY THE MANGALORE BAR ASSOCIATION

Subject: Establishment of a Sub Court at Udipi

1. An agitation has been going on for some time past by the citizens of Udipi, for the establishment of a permanent Sub Court at Udipi. It appears to be sought to be made, out that the desire for a shift represents the opinion of the litigant public which is a matter of considerable doubt. On the other hand, a casual examination of the statistics and facts would lead to the inference that the propaganda is carried on by a few persons who have been seeking to secure for Udipi a place of importance. It is submitted that the facts disclosed by available statistics would have to be examined before any step having far reaching consequences of the nature suggested are undertaken. A representation appears to have been made by the Bar Association at Udipi to the Hon'ble the Minister for Finance, suggesting certain changes and among others the shifting of one of the Sub Courts in Mangalore to Udipi.

2. We beg to submit that the work in the district does not warrant the establishment of two sub Courts in the District. Till 1943, there was only one Sub Court. In 1943, due to the temporary accumulation of work in the Sub Court, an additional Sub Court was sanctioned purely as a temporary measure. The life of the additional sub Court has since been extended from year to year, only as a temporary Court and at present the additional Sub Court stands sanctioned till the end of this calendar year. At present the pendency of old appeals has been completely cleared and very often it is found that even on the very first date of hearing, appeals are pressed to be taken

up for hearing by the Courts, on the ground of lack of appeals for disposal. There is no doubt some pendency regarding suit. This is however not entirely due to the number of cases filed but due to various other causes such as the suits having been stayed by the High Court or the suits themselves being very big ones involving service of notices to a very long number of parties. There is however every prospect of the pendency being cleared and the file brought to normal before the end of the year.

3. The Mangalore Bar Association, after a consideration of the pendency of suits and appeals, resolved by its resolution dated 18-7-1949 that the Additional Sub-Court may be discontinued and this resolution had been submitted both to the Government and the High Court for their consideration. It is the considered opinion of our Association that there is no justification or necessity for the continuance of the Additional Sub-Court at present even as a temporary measure. Hence there could hardly be any ground to justify the expenses of maintaining an Additional Sub-Court as a permanent measure.

4. In the event of an additional SubCourt being established as a permanent Court the question arises as to where it is to be located. The people in Udipi have been pressing that Coondapoor Division consists of 323 villages having a population of over 6 lakhs of persons and it is very difficult to reach Mangalore due to many unbridged rivers and circuitous routes. The fallacy in this argument is obvious. Coondapoor Division consists of 3 Taluks - Karkal, Udipi and Coondapoor. It would not be right to include Karkal Taluk in support of the argument. Karkal Taluk begins from within 16 miles of Mangalore. The Headquarters of the Karkal Taluk, where the Munsif's Court is located is 33 miles distant

from Mangalore and is connected by a first class road (a Provincial Highway,) wherein numerous busses are running every day. While the farthest corner of the Karkal Taluk is not more than 40 miles from Mangalore, it is over 55 miles from Udipi. Both from the point of view of facilities for halts, as Mangalore has many I class hotels and boarding houses, and the facility of obtaining legal assistance, it is submitted that Karkal people would certainly desire to come to Mangalore for their litigation rather than go to Udipi, which is not less distant and with meagre other facilities. Then again, Mangalore being not only the Headquarters of the District but the centre of all commercial and other activities, the litigant public generally combine their other work with Court work when they come to Mangalore, thus very often saving the double expenses of two journeys. There is the added facility of the fact that Mangalore has the Appellate Court and the prospect of an appeal still looms large in the minds of a litigant. Taking Karkal to a Court at Udipi would be doing them a disservice rather than affording a convenience. It is but right that the opinion of the Karkal Bar Association would have to be ascertained before so momentous a step is taken.

5. We may now be permitted to show how the work of Udipi and Coondapoor Taluks is absolutely insufficient for engaging a Sub-Court. We are giving below the appeal and suits talukwar filed in the four years 1945 to 1948.

Taluk	1945	1946	1947	1948	1945	1946	1947	1948
	Appeals				Suits			
Mangalore	119	87	93	132	35	64	88	72
Puttur	90	49	72	78	33	21	43	27
Kasaragod	116	162	143	112	24	54	43	32
Karkal	63	60	59	27	9	17	12	9
Total	388	358	367	349	101	156	186	140

Taluk	1945	1946	1947	1948	1945	1946	1947	1948
	Appeals				Suits			
Udipi	23	35	60	74	6	17	10	27
Coondapoor	80	75	75	33	9	13	10	13
Total	103	110	135	107	15	30	20	40
Grand total for the year	491	458	502	456	b116	186	206	180

Thus it will be seen that the proportion of the appeals from Udipi and Coondapoor taluks to the total filings is 21 per cent to 26 per cent and the proportion of suits is 12%, 16%, 10% and 22%. Even from the point of view of total filings of suits and appeals from Udipi and Coondapoor Taluks, in numbers they are not enough to afford wotk for one Court.

6. Even if Karkal is added on, as the work from Karkal both in suits and appeals is very meagre, as will be seen from the above figures, there will not be enough work for a Sub-Court.

7. It has also to be noted that the Subordinate Judge is also an Assistant Sessions Judge. At present work is being shared by the two Subordinate Judges and there is only one Assistant Public Prosecutor. The transfer of the Sub-Court to Udipi would mean duplicating of staff for Sessions work ~~(in case)~~ or a heavier demand on the principal Sub-Judge's time for Sessions work in case the Udipi Court is to be relieved of Sessions work. This could defeat the very object of the establishment of an additional Sub-Court that of lowering the pendency of civil cases in the Sub-Court leading to the prospect of suits from outside Coondapoor Division being transferred to Udipi on administrative grounds - a prospect which will not be appreciated by the litigant

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public.

8. Thus, if an additional Sub Court is to be permanently established in this district, from every point of view, Mangalore, and Mangalore alone could be the avenue of the same.

9. One further point that seems to have been urged by the Udipi Bar for the establishment of an additional Sub Court permanently is the expectation of numerous partition suits being filed under the recently enacted Aliyasanthana Act. Both from the attitude of the community affected by the act as also from the filings till now after the passing of the Act, we dare-say that this expectation of increase in litigation may not be well founded. Further, the establishment of a Court in anticipation of increasing litigation would hardly be a ground, much less a justification, for establishing a new Court.

10. We understand that an alternative suggestion appears to have been made that the pecuniary jurisdiction of the District Munsif of Udipi should be raised to Rs.5,000. It would have to be seen as to what justification there would be to treat the Udipi Court differently from the other Courts in the District. Further, the Udipi Court has, for quite a long time, and junior District Munsifs with little experience posted to the Court. How far the interests of the litigants would be served by the raising of the pecuniary jurisdiction of the Court is a matter with regard to which our Association has grave misgivings.

The Mangalore Bar Association begs to place the above matters before the authorities with the confidence that a proper decision would be taken in the light of the facts stated herein.

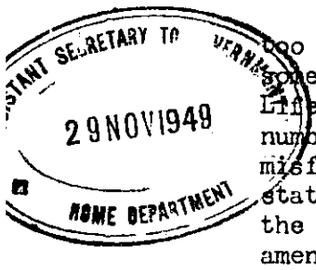
Mangalore,)
8-1949.)

President-Secretary

122732

Extract from petition to the Hon'ble Premier of Madras and the Hon'ble Minister for Agriculture submitted by the President, Bar Association, Kundapur, dated 24.10.49:-

** ** **



6. There are two Sub-Courts at Mangalore and even then there is too much work. The litigant public from this Taluk have to travel some times more than one hundred and fifty miles to go to Mangalore. Life is so costly in Mangalore and conveyance so uncertain and the number of adjournments in a case so many that this is one of the worst misfortunes of the inhabitants of this taluk. As has been already stated Kundapur is centrally situated in the Division consisting of the three taluks of Karkala, Udipi, and Kundapur with all the necessary amenities. Therefore it will be in the fitness of things that one Sub court might be shifted to Kundapur thereby conferring a real boon on the public of this Division.

** ** *

(True extract)

Rev. Deptt

Memo. No. 73813 A/49-1, dt/17-12-49

Jurisdiction (South Kanara) -
Headquarters of Revenue Court at Coondapoor
Shifting to Udipi - Representation
from the Members of the Bar
Association, Udipi, petn. dt. 15-10-49

An extract of the petn. quoted above is forwarded to the ~~Collector~~ Board of Revenue of South Kanara. for disposal

17/12/49.

To the ~~Collector~~ Board of Revenue
with an extract of petn.
[Partial Dan 66 T-9 C.J
~~Miscellaneous Files~~).

CRO 104953 E/49.

Home Dept

Memo. No. 104953 E/49-2 dated 24-12-49

Courts - Civil - South Kanara Dt - Estg of a Sub Court at Udipi etc

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Copies of the memoranda from The Bar Associations, Udipi and Mangalore on the subject cited are forwarded to the Registrar, High Court for disposal.

C/49.12.

To The Registrar, High Court, Madras (with copy of Hr 3-9 and Hr 18-19 q.)

11085 - 257

R.O.C.No.94/50-D2.

HIGH COURT OF JUDICATURE,
M A D R A S,
Dated 20th January 1950.

M E M O R A N D U M.

Sub: Courts - Civil - South Kanara District - Establishment of a Sub Court at Udipi etc.

Ref: Memo No.104953 E/49-2 dated 29.12.1949 forwarding for disposal by the High Court copies of Memorandum dated 15.10.1949 and 14.10.49 from the Bar Associations of Udipi and Mangalore.

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1. The question of establishing a Sub Court at Udipi was considered by the Honourable the Judges as recently as November last and it was deferred. No new circumstances have arisen to reopen the matter at present.

2. Legislation enhancing the pecuniary jurisdiction of District Munsifs to Rs.5000/- is pending.

3. Selections for appointment as Judicial Officers are made by the Public Services Commission and there is nothing to indicate that the claims of practitioners at Centres other than the District headquarters are overlooked.

4. The revision of the law relating to Court fees is pending legislation by the Government.

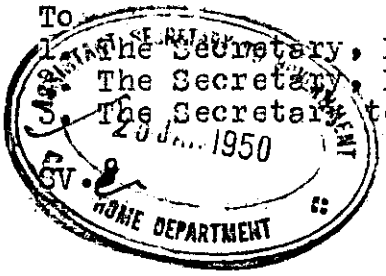
5.

80

5. Any form of benevolent fund such as Provident Fund or Old Age Insurance for the benefit of lawyers should be instituted by the profession.

for REGISTRAR.
28/1

To
1. The Secretary, Bar Association, Mangalore.
2. The Secretary, Bar Association, Udipi.
3. The Secretary to Government, Home Department (for information).



Home Dept.

May be lodged and filed with Lr. Ms. 4566, Home, dt 15.11.49

(P)

31.1.50

1.2.50

7.2.50

~~HOME DEPARTMENT.~~ 81

~~Extracts from file bearing G.No.2041, Public (Separation Dept.~~

To

The Hon'ble Sri K. Madhava Menon,
Minister for Law and Education.

Address presented by the
Co ndapoor, Public.

Honoured Sir,

We have great pleasure in welcoming you to this little town of ours which happens to be the tail end of the Province.

1. We avail ourselves of this the unique occasion of your visit to this place, to place certain of our grievances before you in the fond hope that they will find redress at your hands.

2. Sir, many and varied are our grievances:- those that concern the department of the Government of which you are the Honourable Minister of the day are:--

3. xx xx xx xx

4. Pecuniary jurisdiction of the Muffasal Civil Courts.

We were told, not long ago, that the pecuniary jurisdiction of the Courts of the District Munsifs would be upraised to Rs.5000-0-0. As things are, the limit is Rs.3000-0-0 only, for which reason alone litigants are driven to a distant forum. We submit that there is everything in favour of the Reform that will invest District Munsifs with jurisdiction to a limit of Rs.10,000-0-0;

5. We pray that steps be taken to order this Reform as early as can be. Speaking of our own taluq there is no doubt that litigation is on the increase and the Reform will be most fruitful of good results. We presume that there is no obstacle of any consequence in the way of effecting this Reform; but if any there be, we suggest respectfully that we be favoured with a Subordinate Judges Court in Coondapoor. Innumerable are the difficulties and personal discomforts that our litigants experience in frequenting the Sub Court in far - off Mangalore. A Sub Court here will give him the most desired relief.

xxx xxx xxx xxx

We remain, Honoured Sir,
Respectfully yours,
Public and citizens of Kundapur

Coondapoor,
Date 20-7-50.

(true copy)

M.S. 25/8. SUPERINTENDENT.

83

Home (Courts I) Dept

60/28/8 Memo. No. 120865/St.I/50-1 Dated 28/8/50

Courts - Civil - S. Kanara Dt. - Estt. 9a
Sub Court at Coondapoor

Ref: ~~A copy~~ An extract from ~~one~~ the address presented by the public of Coondapoor to HH (E+L) on 20-7-50 on the subject cited is forwarded to the Registrar, High Court for remarks on the request contained therein.

28/8/50.

To The Registrar,
High Court, Madras
(with copy of)
(R.D. 1 month)

R. Dtd. 27/10.
R. Dtd. 8.10.50.
R. Dtd. 17/11/50
28/8/50
28/8/50

ROC.No.9390/50-D2.

From

Sri V. Krishnaswami, B.A.,B.L.,
Assistant Registrar,Appellate Side,
High Court, Madras.

To

The Secretary to Government,
Home Department, Madras.

ASSISTANT SECRETARY TO THE GOVERNMENT
21 NOV 1950
HOME DEPARTMENT

173144

Dated, Madras, the 17th November 1950.

Sir,

SUB: Courts - Civil - South Kanara District - Establishment of a Sub Court at Coondapur.
REF: Home Department's Memorandum No.120865 Courts I/50-1, dated 28-8-50.

The District Judge of South Kanara does not support the establishment of a Sub Court at Coondapur. He points out that even if all the three taluks to the north of Mangalore, viz., Karkal, Udipi and Coondapur are to be attached to the proposed Court, it would not have adequate work and that Coondapur would be inconvenient for the litigants of a good portion of Udipi Taluk and a major portion of Karkal taluk. The Hon'ble the Judges agree with the District Judge.

V. Krishnaswamy 20.11.50.
ASSISTANT REGISTRAR
APPELLATE SIDE.

RG/

Circle Congress Committee, Udipi.

To

Hon'ble Sri Kuttikrishnan Nayar, B. A., B. L.,

MINISTER FOR LAW

GOVERNMENT OF MADRAS.

113693

Sir,

On behalf of the public of Udipi, we have very great pleasure in extending to you a hearty welcome into our midst. In keeping with the times, it is natural that the people of South Kanara should look forward to land reforms giving security of tenure to the tenants. As you are aware, the land tenure system of South Kanara is peculiar by itself and the position of the Chalageni tenant is always insecure. Except for a few enlightened landlords, it is not rare to see that land being considered as no more than an investment. So long as some yield is secured, adequate attention to the improvement and development of the land is not given as it ought to be in the national interest. Whatever be the relationship between the landlords and the tenants *interse*, land has to be considered today, in the modern society, as a national asset on which the entire life and well-being of the society rests. We cannot be indifferent to the State in which the land is retained and left undeveloped to the extent it is possible to do so, by the landlords who should be looked upon as trustees of these properties and allow ourselves to suffer for want of adequate food being grown in the country itself. We feel that it should be adequately brought to the notice of the landlords that they have a role to play in the improvement of agriculture by a suitable legislation like British Agricultural Act.

What is today demanded by us is a legislation which would bring about a happy relationship between the landlord and the tenant which alone can ensure this main objective. It is right and proper that so long as the tenant continues to pay the rent regularly, he should not be evicted and must be allowed to enjoy the fruits of his labour. Evictions have continued in this District ever since the publication of the report of Mr. Subramaniam. The impending legislation has deterred further evictions of late. It does not mean that there is no need for it now, as this unnatural state of suspense cannot continue without further deterioration in the land-lord tenant relationship. This situation is being exploited fully even by landlords who claim to speak for the rights of tenants from platforms opposed to the Congress. We have no doubt, Sir, that you will impress upon the Cabinet the need to give priority to this question for the District to confer security of tenure on the tenants.

Permanent tenure is not a new thing to our District. The principle of Moolageni recognises it and it should be seen whether all the landlords who have been asking for tenancy legislation in this District are prepared to come forward voluntarily and confer these rights on the tenants without waiting for an act of the legislature. Our contacts with many landlords had shown that they are not averse to giving lands on Moolageni to their existing tenants with the same terms and conditions as under a tenancy legislation provided their interests are justly safeguarded. In some cases, there seem to be some legal difficulties for this and this may have to be got over with an enabling legislation. We propose to initiate ourselves this move to secure as much healthy relationship between the landlords and the tenants as possible. But we do not wish, that the tenancy legislation should be deferred on this account however.

2. For the whole of the northern half of the district today, there has not been a separate sub-court. The Second Sub-court and the Additional Sub-Judge are all located in Mangalore as a matter of administrative convenience. At the same time, we have to point out to you that this has resulted in a lot of inconvenience to the litigant public who have been put to inconvenience of expenditure and avoidable travel and waiting unnecessarily for long periods in the district headquarters. These difficulties could have been got over by locating one of the sub-courts at Udipi. While we understand from our Representative Mr. T. A. Pai, that you were sympathetic to this proposal, the High Court seems to have felt that the location of a sub-court at Udipi is not justified. Sir, we would request you to bring to the notice of the High Court again that the number of appeals should not be the only criterion by which the issue has to be decided. But the convenience of the litigant public should go a long way as the deciding factor.

We have been waiting for the application of the principle of separation of judiciary from executive to the South Kanara District. Whatever may be the reasons that might have delayed this, we request you to see that immediately the Andhra State is formed, this measure is made applicable to South Kanara and when that is done the importance of Udipi as the second biggest town in South Kanara and the centre of the Coondapoor Division is borne in mind in locating the First-class Magistrate's Court here.

[P. T. O.

Another measure for which the public of Udipi have awaited is extension of Civil Court jurisdiction from Rs. 3,000/- to Rs. 5,000/-. Though a long time has lapsed since the passing of the Act, no further progress seems to have been made and we request you to see that no time is wasted in giving effect to it.

The price of rice has shown an increasing tendency of late. Considerable quantities seem to have been smuggled into Malabar according to popular belief. We feel if prices in Malabar are stabilised it will have its own effect on the prices here. Lest the situation in the monsoon months should get out of control, we request you, Sir, to impress on the Government to open Relief Shops all over the Coastal belt without further delay and ensure adequate stocks from outside to meet the requirements of these relief shops. If we are able to tide over this season, we feel that the food situation in the District should take care of itself in the years to come normally.

Sir, these are few of the representations we had to make to you and we request early action is taken. May Lord Krishna grant you a long life of useful service to the cause of the Motherland.

UDIPI,
18-5-1953.

President and Members of the
Circle Congress Committee, Udipi.

— JAI HIND —

PRABHAKARA PRESS LTD., UDIPI.

114185/

Memorandum by the Bar Association, Udipi.

To

Sri K. P. Kutti Krishna Nair, B.A.B.L.,

Minister for Law, Government of Madras,

Camp:- Udipi.

Sir,

We, the Members of the Bar, have great pleasure in extending to you our hearty welcome. It is really very kind of you to have spared a few minutes of your valuable time and given us this opportunity to meet you in a body in this hall. We sincerely thank you for the same.

Now that you are in our midst, may we place before you a few of our grievances for your kind consideration. Of course, they are not new. Time and again we made representations regarding these grievances. - - - Unfortunately, we are where we were. Yet, we have re-iterated these - - - representations in the fervent hope that you, as the Law Minister, will be pleased to see the justice of our demands and favourably consider the same.

The first and foremost thing is the establishment of a separate - Sub-Court at Udipi for the Coondapur Division. You may know that our - - District consists of two parts, northern and southern. The northern part comprises the three Taluks of Udipi, Coondapur and Karkala with a population of over 6 lakhs, while the southern part comprises the three Taluks of - - Mangalore, Puttur and Kasargod. As at present, the Sub-Court is located - at Mangalore for appeals, original suits of more than Rs 3,000/- and other - original matters under various Acts, the litigant public of the Coondapur Division have to go to Mangalore. On account of the existence of a number of unbridged rivers and absence of convenient means of communications, it - is very difficult for the litigant public of the Coondapur Division to go to Mangalore so much so that many of the litigants are forced to be content -- with the decisions of the Lower Courts however unjust they may be. There will be sufficient work if a Sub-Court is established at Udipi for the - - Coondapur Division. Even at present, with all the handicaps, the work from the Division is not insignificant.

Under the circumstances, a Sub-Court for the Coondapur Division is an absolute necessity. For locating such a Court, Udipi is best fitted as it is a growing Town and is also more centrally situated.

A separate Sub-Court at Udipi may of course involve some additional cost. But, it may not be unremunerative as no Court at present appears to be working at a loss. Further, as the aim of the present Government is - as is the case with all ordered Governments - that justice should be within the reach of all, rich and poor alike, it should not be denied merely on the ground that it may involve some additional cost. In any case, instead of having one Principal Sub-Judge and three additional Sub-Judges, all in Mangalore, one may be appointed at Udipi to do the Sub-Court work of the Coondapur Division.

Again, now that separation of the judiciary from the executive is under consideration of the Government, we request you to locate the - - Sub-Divisional Magistrate's Court at Udipi, as the latter is more centrally situated and as the criminal work of the Udipi Taluk is comparatively more.

Further, on account of the high market value of the immoveable properties, even petty partition suits and ejectment suits involving - - portions of sub-divisions are beyond the jurisdiction of Munsiffs' Courts. The Government has realised this and passed an Act enhancing the pecuniary jurisdiction of Munsiffs' Courts, from Rs 3000/- to Rs 5,000/-. But, it has not come into force as the necessary notification has not been issued. - - We request you, Sir, to see that the notification is issued as early as - possible.

At present though there is no bar for selection of muffasil - - ~~Lawyers~~ Lawyers for District Munsiffs' posts, yet, in practice, mostly - - Lawyers practising in District Head Quarters are selected. May we suggest for the consideration of the Government that a certain percentage of - - Muffasil Lawyers is selected.

Lastly, we regret to point out to you that while the Court - - building is fitted with electric connection, the Bar Association room has been omitted, as if it is not a part of the Court building. We request -

you to see that this distinction is removed.

Thanking you once again,

Udipi, South Kanara.)
)
Dated. 18-5-1953.)

Yours faithfully.

President, Bar Association, Udipi.

95 9

Home

To

K.P. Kuttikrishnan Nair
30-5-53

The Hon'ble

Sri. K. P. Kuttikrishnan Nair, B. A. B. L.

MINISTER FOR LAW,

GOVERNMENT OF MADRAS STATE.

Sir,

116339

It is not without feelings of genuine pleasure that we extend you a hearty welcome on the occasion of your first official visit to this ancient little town, the perrennial pilgrim centre, the seat of Madhwa Philosophy and Culture, hallowed by the sublime presence of Lord Krishna.

2 We feel that your inclusion in the Cabinet formed by that statesman and astute politician, Hon'ble Sri. C. Rajagopalachari, is a positive proof of recognition of your sacrifices, sufferings and services to the cause of our country. While we are watching with appreciative interest the execution of the schemes contemplated in the five year's plan, we yet feel that the progress so far made is not as spectacular as it ought to have been. And we know that big strides could not be taken for want of finance.

3 We have our own problems and difficulties and several demands to submit. But we do not want to catalogue them here as the Finance Minister of our State is chary in loosening the strings of the money bags, not because he does not want to help us but because the secret will be out.

4 Nevertheless, we may be permitted to urge upon you to use your good offices and effective influence with the State Government to prevail upon the Central Government, (1) to develop Malpe as a major port as recommended earlier by the Expert Committee appointed by the India Government and (2) to connect Mangalore and Udipi by a railway line. We further request you to urge on the Madras Government to immediately conclude an agreement with the Mysore Government for expediting the supply of cheap Jog power to our district.

5 Lastly we urge upon you, as Minister for Law, to pass immediate orders to transfer one of the Sub Courts at Mangalore to Udipi for the convenience of the litigant public of Coondapur Division and the development of our town, to take steps to strictly maintain law and order and to undertake tenancy legislation as early as possible.

6 In conclusion we are grateful to you, Sir, for giving us an opportunity to welcome you and to place before you a few of our urgent needs. We wish you a long life, a happy and prosperous regime and many years of useful service to the Motherland.

Municipal Office, UDIPI,
Date 18—5—1953

Chairman, Vice-Chairman &
Members of the
Udipi Municipal Council.

KALLIANPUR PRESS, LTD., UDIPI.

Judl
91

91

Home (Ct. I)

Memo No 11269 ct I/53 dated 7.7.53

Courts - Civil - South Kanara dist. - DMC Udipi - Bar Room - Electrification of

---

Ref From the President BAR Assocn. Udipi d 18.5.1953

An extract from the referenced Welcome Address d 18553 presented to M(Law) during his visit to Udipi on 18553 by the Bar Association

98

at Udipi is forwarded to the Registrar, High Court for remarks.

67.53 67.53

6/7/55

To

The Registrar, High Court
Madras

(with an extract of paras 1-2 on page 4 and para 9, page 7 of)

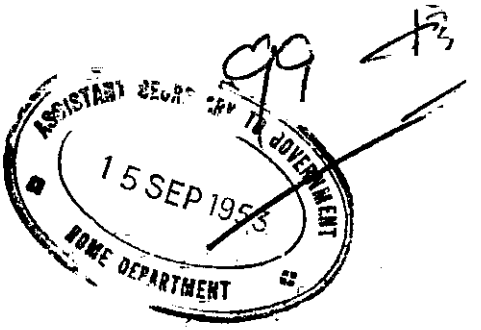
(RD 1 month) a.d.

Registrar

2nd (illegible)

11.7.55.

R.O.C.No. 5529/53.D.4.



From

Sri R. Jayaram Ayyar, M.A., B.L.,
Registrar, High Court,
Madras.

To

The Secretary to Government,
Home Department, Fort St. George,
Madras (with enclosures).

180600

DATED: 11--9--1953.

Sir,

Sub:- Courts - Civil - District Munsif's Court, Udipi - Bar room - Proposal for electrification - Regarding.

Ref:- Home Department's Memorandum No. 113693-Courts 1/53-2, dated, 7-7-1953.

- - -

I am to forward herewith a copy of letter Dis.No. 4538 dated, 4-8-1953 from the District Judge, South Kanara, stating the circumstances under which the proposal relating to the electrification of the Bar Association rooms in the District Munsif's Court at Udipi was once deferred.

2. In connection with the proposals for provision of amenities to the Bar Associations in the Muffassil, called for in Home Department's Memorandum No. 112538-Cts. 1/53-2 dated, 20-8-1953, the District Judge, South Kanara has recommended the electrification of the Bar rooms at Udipi and Mangalore.

(P.T.O.)

11/150

Final recommendations as to the amenities to be provided for several Bar Associations including the Bar Association Udipi will be forwarded to Government after all the proposals received from the District Judges and District Magistrates (Judicial) on the subject are examined by the High Court.

J Jayaram
REGISTRAR.

MTG.

101

Copy of letter Dis.No.4538, dated, 5-8-1953 from the District of South Kanara, Mangalore to the Registrar, High Court, Madra

Sub: Courts - Civil - South Kanara District - D.M.C. Udip Bar room - Electrification of.

Ref: High Court R.O.C.No.4925/53.D.4. dated 21-7-1953 communicating copy of Memorandum No. 113693/Courts-1/ dated 7-7-1953 of the Home Department, Government of Madras.

M7-8-53 in lg

While considering the proposal for the provision of electr installation for the District Munsif's Court, Udipi, the Bar Association at Udipi was asked to state whether it was willing pay the charges on account of electric installation according t flat rate system, in view of the directions contained in High C R.O.C.No.2865/38-D4 dated, 5-4-1939 communicating copy of lett No.40560-E.38/5 dated 31-3-1939 of the Home Department, Governm of Madras. The Bar Association did not consent to this course was prepared only to pay the actual current consumption charge maintaining a separate sub-meter. Therefore, the request of th Bar Association to provide one fan, one light and one plug at Government cost in the Association room was not complied with the provision for fans and lights in the Bar Association Room c tained in the original estimate was deleted. This fact was rep to the High Court in this Court's letter Dis.No.2828 dated, 24- It is not the Bar Association room in Udipi alone that is not p vided with electric installation. The Bar Association rooms in Mangalore also are not provided with electric installation for t

not in file

(P.T.O.)

101

Copy of letter Dis.No.4538, dated, 5-8-1953 from the District Judge of South Kanara, Mangalore to the Registrar, High Court, Madras.

Sub: Courts - Civil - South Kanara District - D.M.C. Udipi - Bar room - Electrification of.

Ref: High Court R.O.C.No.4925/53.D.4. dated 21-7-1953 communicating copy of Memorandum No. 113693/Courts-1/53-2 dated 7-7-1953 of the Home Department, Government of Madras.

M7-8-53 in file

While considering the proposal for the provision of electric installation for the District Munsif's Court, Udipi, the Bar Association at Udipi was asked to state whether it was willing to pay the charges on account of electric installation according to the flat rate system, in view of the directions contained in High Court R.O.C.No. 2865/38-D4 dated, 5-4-1939 communicating copy of letter No. 40560-E.38/5 dated 31-3-1939 of the Home Department, Government of Madras. The Bar Association did not consent to this course but was prepared only to pay the actual current consumption charges by maintaining a separate sub-meter. Therefore, the request of the Bar Association to provide one fan, one light and one plug at Government cost in the Association room was not complied with and the provision for fans and lights in the Bar Association Room contained in the original estimate was deleted. This fact was reported to the High Court in this Court's letter Dis.No. 2828 dated, 24-6-194(It is not the Bar Association room in Udipi alone that is not provided with electric installation. The Bar Association rooms in Mangalore also are not provided with electric installation for the

(P.T.O.)

101

Copy of letter Dis.No.4538, dated, 5-8-1953 from the District Judge of South Kanara, Mangalore to the Registrar, High Court, Madras.

Sub: Courts - Civil - South Kanara District - D.M.C. Udipi - Bar room - Electrification of.
Ref: High Court R.O.C.No.4925/53.D.4. dated 21-7-1953 communicating copy of Memorandum No. 113693/Courts-1/53-2 dated 7-7-1953 of the Home Department, Government of Madras.

M-7-8-53 in fy

While considering the proposal for the provision of electric installation for the District Munsif's Court, Udipi, the Bar Association at Udipi was asked to state whether it was willing to pay the charges on account of electric installation according to the flat rate system, in view of the directions contained in High Court R.O.C.No.2865/38-D4 dated, 5-4-1939 communicating copy of letter No.40560-E.38/5 dated 31-3-1939 of the Home Department, Government of Madras. The Bar Association did not consent to this course but was prepared only to pay the actual current consumption charges by maintaining a separate sub-meter. Therefore, the request of the Bar Association to provide one fan, one light and one plug at Government cost in the Association room was not complied with and the provision for fans and lights in the Bar Association Room contained in the original estimate was deleted. This fact was reported to the High Court in this Court's letter Dis.No.2828 dated, 24-6-1940. It is not the Bar Association room in Udipi alone that is not provided with electric installation. The Bar Association rooms in Mangalore also are not provided with electric installation for the

not in file

(P.T.O.)

102

same reasons, while the District Court building of which those rooms form a part is provided with such installation.

/True copy/

Asst Registrar,
Administrative Department.

MTG
1449

1 [illegible]

Home Department

Ex. Jl E/49

Courts - Civil - South Kanara Dt. — Estt. of a permanent Subordinate Judge's Court at Udipi and ~~to~~ enhancement of the pecuniary jurisdiction of Dt. Munsifs' ~~Courts~~ from Rs. 3,000/- to Rs. 5,000/-

From the ~~President and Members~~, Bar Association, Udipi, petition, dated 6.7.1949. pp 1-5 cf

Extract of the minute of H.M.(Fin) on p1 cf p1 cf

H.S.

High Courts remarks may be invited.

B.G.R.

8.7.49.

The Bar Association, Udipi has sent a petition in which they request —

(1) that a permanent subordinate Judge's Court may be located at Udipi; and

(2) that the pecuniary jurisdiction of Dt. Munsifs may be raised from Rs. 3,000 to Rs. 5,000/- R+p5 cf

2. In September 1948, the Canara Industrial and Banking Syndicate, Ltd, Udipi requested that a permanent Sub Court might be established at Udipi for the reasons that the public keenly felt ~~feel~~ the urgent necessity for locating a permanent sub Court at Udipi, that Udipi was the Central place in the Coondapoor taluk division, the second important town in the whole of the South Kanara dt. with head offices of scheduled banks, Insurance Companies, a Transport company and more than twentyfive other limited companies and that the litigants of Udipi and Coondapoor taluk who have to travel a long distance ~~by [illegible] to~~ to ~~come~~ before reaching Mangalore, ~~the in~~ pp 13-15 cf of (X) Ro 4622 Home 15/12/48 p.13 cf of (X) ibid

~~of the two years being well known~~ would consider the location of a sub Court at Udipi as a great relief. The High Court, ~~but~~ stated that as the work in the district did not warrant the establishment of another sub Court and that as the addl Sub Judge at Mangalore would not be continued for long, it was not considered feasible to establish a sub court at Udipi. This Dept accepted the views of the High Court, ~~and the Syndicate were informed accordingly~~

Subsequently the High Court while forwarding a representation from the President, Bar Association, Udipi ~~addressed to the Hon'ble Court and Prisons~~ requesting the establishment of a ~~Sub~~ sub Court at Udipi stated that as already pointed out by it, it was not feasible to establish a sub Court at Udipi. Govt agreed with the High Court and the Syndicate & the Bar Association were informed accordingly.

3. The reasons now adduced in support of the request are:-

(1) that the addl sub court at Mangalore had been functioning for the past several years and its continuance has recently been sanctioned;

(2) that the litigant public of the Coondapoor Division comprising the three taluks of ~~Udipur~~ Udipi, Coondapoor and Karkal ~~were~~ put to great hardship in having to go over to Mangalore Sub Court crossing heavily flooded rivers and having no adequate travel facilities;

(3) that the civil and criminal work from the Coondapoor Division is considerable;

(4) the the work of the Sub Court would ~~increase consequent on the~~ Aliyasantana Act recently passed;

(5) that Udipi, a centrally situated

rapidly growing Municipal town, besides having a S.M.C., a taluk office, a Sub Magistrate's court, a spl I cl. Magistrate's Court, sub Regr's Office etc, is the head quarters of 8 mutts and several Banking and Insurance Concerns; that there is a Sanskrit college, an Arts College, seven High schools and two Govt Training Schools; and

(6) that the Malpe harbour is likely to be developed into a major port.]

4. In ijg Ms. 1494, Home, S) 14.4.49 the post of addl Sub Judge, Mangalore has been continued upto 31st December 1949.

5 The remarks of the High Court may first be invited on the request regarding the location of a sub Court at Udipi. A draft letter is subd. for consideration.

As regards the enhancement of the pecuniary jurisdiction of Dt. Munsifs to Rs 5000/- submitted that this proposal ~~to enhance generally the jurisdiction of Dt. Munsifs to Rs 5000/- has is being considered and the file separately and the concerned file~~ is already under the consideration of the Govt. A Cabinet note has been prepared on the subject and the file has been sent to the Public (PR) Dept. for use at the next meeting. The decision of the Cabinet may be awaited

15-7-49

[Issued as Lr 63181 E/49-1 dd 16-7-49]

From the Seas, Circle Congress Committee Udipi dd 2.7.49

Please see the resolution (in para 1 on p 31 cf) passed by the Circle Congress Committee, Udipi to the effect that the addl. Sub Court Mangalore may be transferred to Udipi, in Para 2 of the letter gives the reasons for such

a resolution. A copy of the letter has gone to the C.J. also.

Early in July 1948 the Bar Assocn Udipi made a similar request to govt and the remarks of the High Court have been called for in the matter. No action is therefore called for in the present petition from the C.C.C. Udipi. The High Court may be reminded ~~with refee to Above draft~~ The letter submitted below is for approval signature

15.8.49

From The Bar Assocn, Mangalore d.5.9.49 (Issued Lr. No. 63181 E/49-3 d.15-9-49)

From the High Court Roc No. 5512/49-D2 dt 19.9.49.

This file deals with the ~~pending~~ requests of the Bar Association, Udipi;

(1) that a permanent Subordinate judge's court may be located at Udipi; and

(2) that the pecuniary jurisdiction of Dt. Munsifs may be raised from Rs 3,000 to Rs 5,000

2. In Septr. 1948 the Canara Industrial and Banking Syndicate, Ltd. Udipi requested that a permanent Subcourt might be established at Udipi for the reasons that the public keenly felt the urgent necessity for locating a permanent Subcourt at Udipi, that Udipi was the central place in the Coondapur revenue division, the second important town in the whole of the South Kanara dt. with head offices of various business concerns and that the litigants of Udipi and Coondapur taluks who had to travel a long distance before reaching Mangalore would consider the location of a Sub court at Udipi as a great relief. The High court ~~has~~ stated that the work in the district did not warrant the establishment of another subcourt and that as the additional Subjudge at Mangalore would not be continued for long, it was not considered feasible to establish a Sub-court at Udipi. This dept accepted the views of the High Court.

Subsequently the High court reiterated the same view while forwarding a representation from the President, Bar Association, Udipi with the same request. The Govt agreed with the High court and the Syndicate and the Bar Association were informed accordingly

3. The reasons now adduced by the Bar Association, Udipi in support of its requests are:

(1) that the addl. sub-Court at Mangalore has been functioning for the past several years and its continuance has been recently sanctioned;

(2) that the litigant public of the Coondapur division comprising the three talukas of Udipi, Coondapur and Karkal are put to great hardship in having to go over to Mangalore sub-court crossing heavily flooded rivers and having no adequate travel facilities.

(3) that the civil and criminal work from the Coondapur division is considerable;

(4) that the work of the sub-court will increase consequent on the Alienation Act recently passed

(5) that Udipi is a centrally situated and rapidly growing Municipal town, besides having a D.M.C., a Taluk office, a Sub-Magistrate's court, a Spl. I class Magte's court, sub-regr's office etc. and

(6) that the Malpe harbour is likely to be developed into a major port.

The circle congress committee, Udipi, also has sent a resolution requesting the transfer of the additional Sub-court from Mangalore to Udipi, mentioning some of the reasons already given by the Bar Association, Udipi. The post of the additional Sub-judge, Mangalore, has been continued upto the 31st December, 1949, in G.O. No. Hs 1494 dated 14.4.49.

The Mangalore Bar Association has submitted a memorandum objecting to the shifting of the addl sub-court from Mangalore to Udipi, the reasons given being that Mangalore

is nearer to Karkal than Udipi, that the of A on p. 29 of
people from Karkal would certainly come desire
to go to Mangalore which has more facilities
for staying here than Udipi, with regard that
Mangalore has the appellate court that the B ibid
total filings of suits and appeals from Udipi
and Coondapur talukas are not enough to afford } C on p. 40 of
work for one court, and that the establishment
of a court in anticipation of increasing litigation
due to the recently passed Ahiya Sankath Act } D on p. 41 of
would hardly be a ground, much less a justification
for establishing a new court

5. The High Court, which has been consulted, / p. 7 of
in the matter has forwarded a report of the δ pp. 47-55 of
Dt. Judge in the matter, and has stated that
the question of establishing a subcourt at Udipi p. 45 of
may be deferred for the present.

The Dt. Judge reported that the proposal
might be deferred for the present for the following
reasons

1) that the volume of work contributed by
the three northern talukas of Coondapur, Udipi, I on p. 47 of
and Karkal would hardly justify the location of
a separate court at Udipi for those three
talukas alone.

2) it would be premature to say anything Par 4, H on p. 46 of
with regard to the anticipated increase in
the volume of original work in the subcourt on
account of the Ahiyasankara Act, and the
wiser course would be to wait for a year
and watch how far the volume of subcourt
litigation is actually increased by reason of
this new legislation before any far reaching
change is decided upon and

(3) though the location of a subcourt at
Udipi will would increase be calculated to increase III on
the conveniences of the public of Coondapur and p. 48 of
Udipi talukas, the same cannot be said of

the litigant public of the Karkal taluk, a good portion of which may be equidistant from both Udipi and Mangalore.

para 5, p48 cf

The Dt. Judge had added that the question whether or not a sub-court should be established at Udipi as a permanent measure in the place of an additional Sub-judge functioning in the sub-court of Mangalore may be deferred for the present & detailed examination at the end of one year from now so that it may be known in the meantime how far the new Abiyasanthana Act would increase the volume of work in the Subcourt, particularly from the northern taluks of Coondapur, Udipi, and Karkal.

para 7, p49 cf

p45 cf

The Hon'ble the Judges endorse the remarks of the Dt. Judge and have stated that the question of establishing a sub-court at Udipi may be deferred for the present.

para 3, p38 cf

not in file

This is probably a memorandum of the Udipi Bar Assn. request

para 3, p38 cf

8. Incidentally it may be mentioned that the Mangalore Bar Association has stated that it resolved by its resolution dt 17.7.49 that the Addl. Sub-court might be discontinued and that this resolution had been submitted both to the Govt. and the High court, for their consideration, and that there is no justification for the continuance of the addl. sub-court at present even as a temporary measure. But the Dt. Judge has reported that judged from the present stage of the institutions in the sub-court, it should be reasonably anticipated that an addl. judge would have to function in the subcourt for some years more, if the pendency is to be maintained within reasonable limits. Presumably the Bar Association is not correct in its estimate and views.

X & p49 cf

9. As regards the second request, namely about the enhancement of the pecuniary

R. p5 cf

jurisdiction of Dt. Munsifs to Rs. 5,000/, Subdn that this proposal is already under the consideration of the Govt. A draft memorandum for legislation has been prepared and circulated to all HMs whose ~~replies~~ views are awaited

6. The file may be circulated to HM (E&L) and HM (Fin) for orders whether the proposal ~~viz.~~ that a permanent subordinate judge's Court may be located at Udipi, may be deferred for the present, as recommended by the High Court

The Dt. Judge, D. Kanara has given very cogent reasons for deferring the proposal for the location of a S.J.'s Court at Udipi. The High Court's recommendation may be accepted.

HM (E&L)
HM (Fin)

A draft and letter is subd for approval.

(Issued as dr/Ref. No. Ms. 4566, Home, dt 15.11.49).

Edit: This will also require that I should attend the Assembly when the Bill comes before it during the Nov session.

adm taken

dft letter submitted for approval

(Extends time)

C.No. 1049/53 E/49.

Courts - Civil - South Kanara District - Establishment of a Sub Court at Udipi and certain other requests.

From the President, Bar Association, Udipi, dated 15.10.49.
" Mangalore, d/14.10.49.
Coondapoor, d/24.10.49.

The Bar Association, Udipi has made the following requests:-

(1) Location of a Sub Court at Udipi;

(2) Enhancement of the pecuniary jurisdiction of Dt. Munsifs to Rs 5,000

(3) Amendment of the Court Fees Act and the Suits Valuation Act so that the value of immovable properties may be computed on the basis of 10 times the assessment in suits for partition and for portions of sub divisions;

(4) Shifting of the Headquarters of the R.D.O. from Coondapoor to Udipi;

(5) Appointment of lawyers in the mufassal as Judl. Officers; and

(6) Affording opportunities to members of the Bar to contact the Govt. and the members of the Cabinet on tour and offer their views in matters of local welfare and importance.

Request (1) above: The question of establishment of a Sub Court at Udipi was recently examined in consultation with the High Court, Madras on the suggestion made by the same Bar Association and the Govt. have agreed with the High Court that the question may be deferred for the present. No further action is therefore called for at present.

Request (2) above: The question of amending the Madras Civil Courts Act, 1873 so as to enhance the pecuniary jurisdiction of Dt. Munsifs (from Rs 3,000 to Rs 5,000) is already under the consideration of Govt, and it is proposed to undertake legislation to that effect.

Request (3) above: This is also under the consideration of Govt. separately.

Request (4) above: This is for Revenue Dept. and the file may be sent to them for taking necessary extracts.

Request (5) above: This request has been examined a number of times on the resolutions passed at the Lawyers' Conferences and no separate action is therefore called for.

Request (6) above: No action seems called for in this regard.

2 The Bar Association, Mangalore has made the following requests -

2. 86 10

(a) Amending the Court Fees Act to avoid anomalies;

(b) Provision by way of Provident fund or Old-age Insurance for members of the profession;

(c) Unification of the Bar; and

(d) Retention of the Addl. Sub Court at Mangalore.

Request (a) above: The question of amending the Court Fees Act is already under the consideration of Govt.

Request (b) above: There seems no need for Govt. to make provision by way of Provident fund or insurance in respect of non-Govt. servants. It seems unnecessary to pursue this matter.

Request (c) above: ~~The~~ Necessary action has already been taken in the matter.

Request (d) above: As already stated in para 1 ~~(a)~~ above, the Govt. have agreed with the High Court that the question of establishment of a Sub Court at Udipi by transferring the addl. Sub Court at Mangalore may be deferred for the present.

3 The Bar Association, Coondapoor has suggested that the addl. Sub Court at Mangalore may be shifted to Coondapoor. The District Judge has already stated that the three northern taluks of Coondapoor, Udipi and Karkal together contribute on an average only less than ¼ of the total number of original suits instituted in the Sub Court and a little over 1/3 of the total number of appeals filed from all the D.M.Cs. in the district together and that the volume of work contributed by the three northern taluks including Coondapoor taken by itself would hardly justify the location of a separate Sub Court at Udipi for those three taluks alone. The Dt. Judge has suggested that the best course would be to wait for a year and watch how far the volume of Sub court litigation is actually increased by reason of the Alyasanthana Act ~~Bill~~ before any far-reaching change is decided upon. ~~In the circumstances, it seems not necessary to consult the High Court on this point.~~

4 H.M. has minuted that the memoranda from the Bar Associations Udipi and ~~from~~ Mangalore may be sent to the High Court for disposal. As the question of establishing a sub court at Udipi stated above, has since been ~~decided upon~~ deferred in consultation with the High Court,

Copies of the two Memoranda may however be sent to the High Court for disposal, as directed by H.M.(E. & L.) on p.1 c.f.

Revenue may see in the first instance with reference to 'S' on p.1 supra.

134648

through ~~H. and L.~~ F.

Home U. U.no 104953 E/49-1

ADDITIONAL ASSTT. SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT
R73813
22 DEC 1949

Rev. Dept

To A.S.

The file has been sent to this Dept w.r.t. ~~[illegible]~~ 'D' on pp. 8-9 c.f. ~~(Please see the minutes of H.M. thereon p.11 c.f.)~~ An extract of the Petn. at D on pp 8-9 c.f. may be forwarded to the ~~Collector of Salt Revenue~~ BB & M for disposal.

2. Subject to orders, a Draft memo. is subd. for approval. After issue, the file may be returned to Home.

16.12.49

Home (a.i)

Issues as Home R73813/Rev/49-2 19.12.49.

Home Deptt.

Please see para 4 of this dept' Rev Lr. R73813/Rev/49-2 note on pp 2-3 above. Draft subd is for approval. May be filed with Lr. No. 4566, Home, dt 15.11.49 after issue of the Draft.

ASSISTANT SECRETARY TO GOVERNMENT
22 DEC 1949
HOME DEPARTMENT

Issues as Home M 104953 E/49-2 22.12.49

HOME DEPARTMENT. 13

Extract from file bearing C.No.2041 of Public (Separation Department.

SEPARATION OF THE JUDICIARY FROM THE EXECUTIVE South Kanara District - Representation from the residents of Coondapoor.

Ref: Addressx presented by the residents of Coondapoor, dated 3-8-1950.

1211865
25/8/50

In the address presented by the residents of ~~the~~ Coondapoor the following requests are put forward:-

(1) xx xx xx

(2) The pecuniary jurisdiction of the District Munsif of Coondapur should be raised to Rs.10,000/- from its present level of Rs.3,000/- or in the alternative a court of Subordinate Judge should be established at Coondapur.

(3) xx xx xx

Item (2) above:- This ~~is~~ is a matter entirely for Home to consider.

xx xx xx

S.B.
23/8/50.

Home /Edn.

HOME DEPARTMENT.

Please see the note of Public (Separation) Department above. The file has been sent to this Department with reference to item (2) on p.1 ante. The question of increasing the pecuniary jurisdiction of District Munsif from Rs.3000/- to Rs.5,000/- is already under consideration and it is proposed to undertake necessary legislation in that regard. As the limit was fixed at Rs.5,000/- after detailed examination no action seems called for on the present request of the Coondapoor public to raise the limit to Rs.10,000/-. As regards the alternative request for the opening of a Sub Court at Coondapoor. necessary extracts have been taken

A1

14

1A

taken and the High Court will be consulted separately.

With the above remarks the case may be passed on to Education.

C.S.D.

25/8.

Edn.

(true copy)

SUPERINTENDENT.

M.S.

Home Dept.

Please see the extract of notes on pp 1-2 above. With ref. to A on pp 1-2 above, a draft memo. to the High Court is submitted for approval.

26/9/50. [Issued as Memo. No. 12086 Ests I/50. dt 28.8.50] p 3 y

28/8/50 from the High Court, Roc. 9390/50 D2 dt 17.11.50. p 5 y

Please see paras 5, p 1 of letter and the memo to the High Court and its reply on pp 3 & 5 of reply. The Hon The judges agree with the Dr judge that even if all the three taluks to the north of Mangalore, viz., Karkal, Udipi and Coondapoor are to be attached to the proposed Sub-Court, it

p 5 y

would

(ct-120861)

15/5

would not have adequate work and that Coondapur would be inconvenient for the litigants of a good portion of Udipi taluk and a major portion of Karkal taluk.

2. In October 1949, the Bar Association, Coondapoor suggested that the addl. Sub-Court at Mangalore might be shifted to Coondapoor. The Dt.Judge had stated that the three northern taluks of Coondapoor, Udipi and Karkal together contributed on an average only less than one-fourth of the total no. of original suits instituted in the Sub-Court and a little over one-third of the total no. of appeals filed from all the D.M.Cs in the dist. together and that the volume of work contributed by the three northern taluks including Coondapoor taken by itself would hardly justify the location of a separate Sub-Court at Udipi for those three taluks alone. The Dist.Judge then suggested that the best course would be to wait for a year and watch how far the volume of Sub-court litigation was actually increased by reason of the Aliyasanthana Act before any far-reaching change was decided upon. The matter was therefore dropped.

3. In the circumstances, no action is called for on the address of the public of Coondapoor extracted on p1 q. The papers may be filed with Letter Ms.4566, Home, dated 15.11.49. (No reply is possible, as the petitioners have not furnished any address.)

SECRETARY TO GOVERNMENT 1-DEC1950 HOME DEPARTMENT

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT 5-DEC1950 HOME DEPARTMENT

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT 1-DEC1950 HOME DEPARTMENT

SECRETARY TO GOVERNMENT 5-DEC1950 HOME DEPARTMENT

Home Department

Courts - Civil - South Kanara Dt. - Shifting of one of the Sub Courts at Mangalore to Udipi and certain other suggestions.

From the Circle Congress Committee, Udipi, d/18.5.53.
From the Bar Association, Udipi, d/18.5.53.
From the Udipi Municipal Council, dated 18.5.53.

In the welcome addresses at pp.1-9 c.f. presented to M.(Law) during his visit to Udipi on 18.5.53, by the Circle Congress Committee, the Bar Association and the Udipi Municipal Council at Udipi, the following requests have been made -

(i) that a separate Sub Court may be opened at Udipi by shifting one of the Sub Courts at Mangalore to Udipi; and

(ii) that the scheme of separation of the judiciary from the executive may be extended to South Kanara immediately after the Andhra State is formed; and that the S.D.M.'s Court may be located at Udipi;

(iii) that the Madras Civil and Village Courts (Amendment) Act, 1951 may be brought into force at an early date;

(iv) that a certain percentage may be reserved for the selection of lawyers for the posts of Dt. Munsifs; and

(v) that the Bar Association room may be electrified.

2. Item (i) above - Location of a Sub Court at Udipi: -

The agitation for the location of a Sub Court at Udipi dates back from 1948. In September 1948 the Canara Industrial and Banking Syndicate Ltd., Udipi requested that a permanent Sub Court might be established at Udipi. The High Court then stated that the work in the district did not warrant the establishment of another Sub Court and that as the Addl. Sub Judge at Mangalore wo

not be continued for long, it was not considered feasible to establish a Sub Court at Udipi. The Govt. accepted the views of the High Court. Subsequently the President, Bar Association, Udipi requested the establishment of a Sub Court at Udipi. On this representation also, the High Court stated that as already pointed out by it, the establishment of a Sub Court at Udipi was not feasible. The Govt. agreed with the High Court.

Again in July 1949, the Bar Association, Udipi requested that a permanent Sub Court might be located at Udipi. The High Court then recommended that the question of establishing a Sub Court at Udipi might be deferred for the 'time being The High Court's recommendation was accepted by the Govt. Nevertheless, the Bar Association persisted in urging for the establishment of a Sub Court at Udipi. Sri T.A. Pai, M.L.A. also made a suggestion to locate the Second Addl. Sub Judge, Mangalore sanctioned in G.O. Ms. No. 3015, Home, d/18.8.52 at Udipi. The suggestion was negatived in Lr/Ref. No. 152788-Cts.I/52-4 Home, d/15.9.52 after consulting the High Court which stated inter alia that an Addl. Sub Judge at Udipi would not be half as useful as one at Mangalore. For this reason a similar suggestion from the Bar Assocn. received subsequently was also turned down.

In the circumstances stated above, no action seems called for on the present suggestion in item (i) on p.1 ante.

Item (iii) on p.1 ante - Bringing into force of the Madras Civil and Village Courts (Amendment) Act, 1951:

The Act referred to has not yet been brought into force pending issue of rules under section 3 of the Suits Valuation Act, 1887. This is under the consideration of the Govt. separately: In the cir-

cumstances, no action seems called for on the suggestion in item (iii) on p.1 ante also.

Item (iv) on p.1 ante - Reservation of certain percentage for the selection of lawyers for the posts of Dt. Munsifs:

Under the existing orders, 55% of the posts in the category of Dt. Munsifs is reserved for persons eligible for direct recruitment to those posts, i.e. members of the Bar and other qualified Govt. servants who have not completed 5 years of service. The draft rules provide for recruitment from persons who have had actual practice in Courts - but do not provide for a difference being made between courts in which the persons have had their practice. No action is therefore called for on the present suggestion.

Item (v) on p.1 ante - Electrification of the Bar room:

The Bar Association has not specifically mentioned the court in which the facility required by them has to be provided. Apparently the request has been made in respect of the Bar Room in the Dt. Munsif's Court at Udipi. Proposals for electrification of Bar rooms etc. are generally sanctioned only on the recommendation of the High Court or the Dt. Judge concerned. It may therefore be left to the Association to move the Dt. Judge concerned in the matter. No action is therefore necessary on this suggestion also.

6. With reference to N on p.9 c.f. it may be mentioned that a copy of the welcome address has been received by P.W. and that they have taken action separately. (They have marked their file for Public & Rev also v.v. Noted on p.9) No further action is therefore necessary here with reference to this.

7. After orders are passed the file may be sent to Public (Sep.) with reference to item (ii) on

2.

4.

p.1 ante. Food & Agri. may also see with reference to 'M' on p.3 c.f.

17.6.53.

Through Cts.I.

Pub(Sep)/F+A

Public (Separation) Dept. Home 11369 3 Cf 1/53

22/6

The notes of Home on pp. 1-4 above and the representations from the Circle Congress Committee, ndipi and the Memorandum by the Bar Association, ndipi on pp. 1-7 c/f. may be perused. Relevant extracts have been taken for separate action. The file may be passed on to Food & Agri.

24.6.53.

25/6/53

F+A

2/7/53

ASSISTANT SECRETARY 1903 22 JUN 1953 PUBLIC (SEPARATION) DEPARTMENT

Pub(Sep)Dept
C.O. 1903/53-1
6/6/53.

ASSISTANT SECRETARY 11 JUN 1953 38312 FOOD AND AGRICULTURE DEPARTMENT

To Food&Agri(B).

A.S.

The file has been sent to this Dept with reference to M on p. 3 c/f. A copy of the welcome address has already been received in this Department and necessary action was taken No further action is called for The file may be returned to Home Department

27/6/53 27.6.53 29.6.53

Home

Food&Agri No 38312/1953
29.6.53

135192

ASSISTANT SECRETARY TO GOVERNMENT HOME DEPT

This file relates to the request made by the Circle Congress Committee, the Bar Association and the Udipi Municipal Council at Udipi in the Welcome Address presented by them to the Minister for Law on 18.5.53 during his visit to that place. The requests have been examined in this Deptt's note on pp 1-4 above. The notes of Public (Secrs) and Food & Agri on p 4 above may be perused. Further action in this file is required with ref. to the orders at A on p 3 ante. A draft memo is subd. for approval

PS 6/7/53

6/7/53 6.7.53

(Issued as Memo No. 113693 dt. 7-7-53)

From the High Court Roc. No. 5529/D.4 dt 11.9.53

With ref. to A on p 3 ante please see the letter from the High Court at pp 13-14 cf. and its enclosure at pp 15-16 cf.

2. The High Court has stated that in connection with the proposals for provision of amenities to the Bar Associations in the mufassal called for in this Deptt's Memo No 112538 dt. 20-7-53, the Dt. Judge, North Kanara has recommended the

electrification of the Bar rooms at Udipi and Mangalore and that final recommendations as to the amenities to be provided for several Bar Associations including the Bar Assocn. at Udipi will be forwarded to Govt after all the proposals recd from the Dt. Judges and DMS (Judl.) on the subject are examined by the High Court. In view of this, no further action seems called for in this file. The papers may be lodged with a CB against 1-12-53.

p 145

23 Sept 53 If no Pbn in Lib. 6.9.53

CB ends 23-9-53

21.9.53 21.9.53

23 Sept 53

Passed

NS